

**WAYS & MEANS, REAL ESTATE TRANSACTIONS AND  
FINANCE COMMITTEE  
of the  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Ways & Means, Real Estate Transactions and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **May 6th, 2003**.

**MEMBERS PRESENT:**

Legislator George O. Guldi - Chairman  
Legislator Andrew A. Crecca - Vice Chairman  
Legislator David Bishop  
Legislator Michael J. Caracciolo  
Legislator Ginny Fields  
Legislator Vivian Vioria Fisher  
Legislator Martin W. Haley

**ALSO IN ATTENDANCE:**

Paul Sabatino, II - Counsel to the Legislature  
Tom Donovan - Aide to Legislator Guldi  
Eben Bronfman - Aide to Legislator Guldi  
Carl Yellon - Aide to Legislator Crecca  
Frank Tassone - Aide to Legislator Crecca  
Leonard Greco - Aide to Legislator Caracciolo  
Ray Zaccaro - Aide to Legislator Bishop  
Ellen Martin - Aide to Legislator Binder  
Stephanie Mitchell - Aide to Legislator Fisher  
Alexandra B. Sullivan - Chief Deputy Clerk, Suffolk County Legislature  
Ivan Young - Presiding Officer's Office  
Christine Costigan - Director of Real Estate  
Tom Isles - Director of Planning  
Robert Bortzfield - County Executive's Office, Deputy Budget Director  
Ken Knappe - County Executive's Office  
Bill Faulk - County Executive's Office  
Jim Spero - Budget Review Office  
Jim Stephens - Suffolk County Human Rights Commission  
Dina Whyte - Cystic Fibrosis Foundation  
Pattie Gallatin - Long Island Alzheimer's Foundation  
Vicki L. Pagano  
All other interested parties

**MINUTES TAKEN BY:**

Ana Grande- Court Stenographer

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(THE MEETING CAME TO ORDER AT 9:40 A.M.)

CHAIRMAN GULDI:

I'd like to call the meeting to order. We'll start with the Salute to the Flag to be led by Legislator Fisher.

(SALUTATION)

CHAIRMAN GULDI:

I don't have any scheduled presentations this morning, so let's begin with the public portion. The first card that I've been given is Dina Whyte. Come on up. You can sit at the table or use the podium, just use the microphone.

MS. WHYTE:

I'm here representing the Cystic Fibrosis Foundation. We have a fund-raiser run for CF in Sayville using the Long Island Maritime Museum. And I was told to come out here and represent the Cystic Fibrosis Foundation in case there was any questions about the Foundation and where the funds all go to the Foundation, which go directly to research. It's number 1317.

CHAIRMAN GULDI:

It's number 1317 on our agenda, which is on page six for Committee members. Are there any questions by Committee members with respect to this? I'll take Legislator Caracciolo's motion to take it out of order.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

I'll second that. Is there anyone else here to speak on this resolution? There being none, motion to --on the motion to take out of order, all those in favor? Opposed? It's now before us.

1317. Authorizing use of Long Island Maritime Museum in West Sayville County Park property by the Cystic Fibrosis Foundation for "Run for Cystic Fibrosis" Fund-raiser. (County Executive)

CHAIRMAN GULDI:

Motion to approve by?

LEG. FISHER:

I'll make a motion.

CHAIRMAN GULDI:

Legislator Fisher, second by Legislator Crecca. All those in favor?  
All those opposed? Is that a motion to approve or approve and place on  
the consent calendar?

LEG. FISHER:

We can approve and place on the consent calendar.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar before us duly

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made and seconded. All those in favor? Opposed? Approved and placed  
on the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

CHAIRMAN GULDI:

Procedurally that means that it will be taken as part of an omnibus  
resolution with many, many, many other matters at the beginning of the  
meeting before the Legislature and probably won't be removed or  
subject to further debate. It will be before the Legislature at our  
meeting on Tuesday.

MS. WHYTE:

Okay. Thank you.

CHAIRMAN GULDI:

Thank you.

LEG. FISHER:

I notice, Mr. Chair, that there is another group that's going to be  
doing a walk. Is there anybody here from that group?

CHAIRMAN GULDI:

Let's do the cards in order. Vicki L. Pagano is the next speaker.  
Come on down, please.

MS. PAGANO:

Good morning. How you doing? I've never been here before, I'm really  
excited.

LEG. FISHER:

You seem very comfortable, good.

MS. PAGANO:

This is me. I just want to read this because I'm a little nervous, so  
I really don't know if I can speak and stay focused. But as one of  
your constituents I thought that I would come up and speak about the

domestic partnership legislation that is before the Committee.

I just wanted to let you know that I am a lesbian woman, I am in a committed domestic partnership relationship and this legislation is very important to me. I'm in college and I've been involved with, you know, American government, civil liberties, domestic violence. I'm a credentialed alcohol and substance abuse counselor as well. And I serve the community right now as a Probation Assistant for Suffolk County Probation. My partner is a Child Support Specialist also working for the County.

And as you know, the County does not recognize domestic partnership. Several weeks ago her father lost his six-year battle with cancer. I've been a part of this family for seven years and I went to my supervisor and to the union representative and requested some bereavement time and was categorically denied as my relationship is quote, unquote, illegal.

I find that very, very sad for myself and for all the people that I may represent as I stand here before you. I think it's imperative that this legislation pass out of this Committee and be brought to the

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Legislature for a complete vote. This way, I, along with other domestically partnered couples, heterosexual, homosexual, it doesn't matter, are represented by the County.

I was around for the equal rights movement for woman, the African-Americans who gained their civil rights. I was eight years old when Kennedy was assassinated, he was assassinated on my eighth birthday and I remember that every year. I've borne witness to so many strides that this country has made to bring all civil liberties, all justice to all peoples.

And I feel like my civil -- my own -- I'm losing my focus, I'm sorry, I'm getting emotional, but it just feels like my rights as a human being, not as a lesbian woman, not as anything, just as a woman, as a person who lives in Suffolk County kind of gets swept under the amber waves of grain. Just -- I'm not here, when I fill out forms, there's no domestic partnership on those forms, I don't fit in my society.

I pay taxes, I work, I contribute as much as I can to the society and feel that equal representation within the County is really my, is my right. And I'm begging and I'm pleading and imploring you guys, all woman, everyone that's here, to please, please join the strides of history makers. Because that's what happens, it's people like yourselves who moved all the civil rights legislation, and that was a huge stride.

Please don't leave us in the dust. Please move it out of this Committee where it belongs up into the County Legislature. It's really important, there are so many of us who are not represented by our County government and I'm asking you to do so.

CHAIRMAN GULDI:  
Legislator Fisher has a question.

LEG. FISHER:  
You did great.

MS. PAGANO:  
Thank you.

LEG. FISHER:  
You did very well. In fact, I wish you had been here for the public hearing at the last meeting.

MS. PAGANO:  
I didn't know.

LEG. FISHER:  
Because you articulate very good points. I just wanted to ask a question about bereavement leave. It has to be a blood relative or a relative by marriage in order -- the union doesn't provide that if you have a close friend that you don't get any bereavement?

MS. PAGANO:  
No. And like I said, I've been with this family for seven years, that was my father-in-law. I loved that man, you know, I'm sorry, this is

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what I --

LEG. FISHER:  
It's a very sad state of affairs that you couldn't get that bereavement leave.

MS. PAGANO:  
I know. And to be told to my face, you know, that's illegal, hello, what am I illegal? Well, then I shouldn't pay taxes and I shouldn't be here. I don't know, can I live some place very happily and peacefully?

LEG. FISHER:  
Well, you're speaking to the choir here, you're preaching to the choir. Thank you very much for coming.

MS. PAGANO:

Thank you for letting me speak, I appreciate it. Have a great day.

CHAIRMAN GULDI:

Any other questions? Thank you.

MS. PAGANO:

I'm sorry.

CHAIRMAN GULDI:

That's all right. There aren't any other questions. The next card is by Jim Stephens. Come on up, Jim. You can sit at the table, if you'd like, if that's easier for you, Jim, there's a microphone there.

MR. STEPHENS:

This is fine.

CHAIRMAN GULDI:

Whatever you choose.

MR. STEPHENS:

Good morning, Mr. Chairman and members of the Committee. The creation of a County-wide registry for domestic partnership is an idea whose time has come. As of the 2000 US census, there were more than twenty-one thousand unmarried partner households in Suffolk County.

The County's Human Rights Commission, which I am a member of, debated this issue last year before voting to support the proposal. The questions, the two main questions that were raised at that time was it undermining traditional marriage, and having a registry only for those who cannot legally marry would be the right way to go.

The answer to the first is no. Male/ female partners have the option to marry and receive the benefits of some eighteen hundred Federal and State laws which directly affect married couples. But for whatever reason, these couples do not choose to enter into marriage.

The latter question brings up the question of special rights. Members of the GLBT community are not looking for special rights or special treatment, they just want equality. Also, by specifying a particular

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group in this way may violate both County and State human right laws.

Governor Pataki has advocated that all citizens should be treated fairly and equally. To this end, he has worked for survivor benefits to registered domestic partners both on the State and Federal levels After 9/11. He has worked with the Log Cabin Republicans and other organizations to provide a clear vision of equality for all New Yorkers.

I urge you to do the right thing for the citizens of Suffolk County by giving the Committee's approval so that the legislation may be debated and voted on by the full Committee. And as I said, this has been endorsed by the Suffolk County Human Rights Commission and it also has been endorsed by a political organization I belong to, which is the Log Cabin Republicans. Thank you.

LEG. FISHER:

Thank you.

CHAIRMAN GULDI:

Thank you. Any questions by Legislators?

LEG. FISHER:

Can we take it out of order?

CHAIRMAN GULDI:

Let's take it as part of the regular agenda because there are Committee members who haven't arrived yet. All right? I don't have any other cards filled out. Is there anyone here who would like to address the Legislature on any issue before it? There being none, I guess now we start the agenda.

1021. Adopting Local Law No. -2003, a Charter Law to restore and ensure honesty and integrity to Suffolk County land transactions. (Caracciolo)

CHAIRMAN GULDI:

1021 is the first tabled resolution on page one. Legislator Caracciolo, motion to table, I presume?

LEG. CARACCILOLO:

Motion to table. Mr. Chairman, you and I had agreed to work on some revisions. I have put a call into your office to schedule a meeting to do so, so I'd appreciate hearing back from you so we can move on this.

CHAIRMAN GULDI:

All right. I'll talk to you after the meeting to see when the next hole in my calendar is. Motion to table by Legislator Caracciolo, second by myself. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

1041. Adopting Local Law No. -2003, a Charter Law to establish 19th Suffolk County Legislative District. (Fisher)

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CHAIRMAN GULDI:



1041. Legislator Fisher.

LEG. FISHER:

Mr. Chairman, we have talked about these three resolutions that reconfigure the legislative districts in Suffolk County. And I feel that while we are still in contentious debates regarding the eighteen existing County districts and how they will be reapportioned, I believe that moving this, moving any of these three out of Committee and to the full Legislature would just muddy those waters even further, so I'm going to make a motion to table.

CHAIRMAN GULDI:

I concur, I'll second your motion to table. I think that what we need to do now is to deal with reapportionment with the district reconfiguration should be taken up as an independent issue when that one is behind us. On the motion to table, all those in favor? Opposed? 1041 is tabled. (VOTE: 7-0-0-0) TABLED

1078. Adopting Local Law No. -2003, a Charter Law to establish a fully independent County Department of Real Estate. (Binder)

CHAIRMAN GULDI:

1078. I got a message from the sponsor asking for that to be tabled. Motion to table by myself, second by Legislator Crecca. All those in favor? Opposed? 1078 is tabled. (VOTE: 7-0-0-0) TABLED

1094. Adopting Local Law No. -2003, a Charter Law in connection with reduction of number of County Legislature Districts to eleven. (Caracciolo, Tonna)

CHAIRMAN GULDI:

1094. Legislator Fisher's -- Legislator Caracciolo, motion to table?

LEG. CARACCIOLO:

Yes.

CHAIRMAN GULDI:

Second by myself. Discussion? All those in favor? Opposed? 1094 is tabled. (VOTE: 7-0-0-0) TABLED

1095. Adopting Local Law No. -2003, a Charter Law in connection with reduction of number of County Legislative Districts. (Alden, Haley, Towle, Binder.)

CHAIRMAN GULDI:

1095.

LEG. FISHER:

Table.



CHAIRMAN GULDI:

Motion to table by Legislator Fisher, second by Legislator Crecca.

Discussion? All those in favor? Opposed? (VOTE: 7-0-0-0) TABLED

1113. Requiring exit interviews for all County employees. (Postal)

1114.

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CHAIRMAN GULDI:

The next resolution, 1113. I got a request from the Presiding Officer to table it. My motion to table. Second by?

LEG. FISHER:

Second.

CHAIRMAN GULDI:

By Legislator Fisher. Discussion? All those in favor? Opposed?

Tabled. (VOTE: 7-0-0-0) TABLED

1148. To authorize and empower performance-based audit of all County Departments, Offices, and Agencies. (Bishop)

CHAIRMAN GULDI:

1148. Motion to table by Legislator Bishop, second by myself.

Discussion? All those in favor? Opposed? Tabled.

(VOTE: 7-0-0-0) TABLED

1158. Adopting Local Law No. -2003, a Charter Law to reduce number of County Legislative Districts to eleven. (Caracciolo)

CHAIRMAN GULDI:

1158. Legislator Caracciolo's motion to table, second by myself.

Discussion? All those in favor? Opposed? Tabled.

(VOTE: 7-0-0-0) TABLED

1163. Appointing member of Suffolk County Employees Suggestion Review Committee (Cheryl Felice). (Postal)

CHAIRMAN GULDI:

1163. Legislator Postal has asked me to make a motion to table, by myself. Second by?

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

Legislator Crecca. Discussion? All those in favor? Opposed? Tabled.

(VOTE: 7-0-0-0) TABLED

1210. Adopting Local Law No. -2003, to amend living wage law for

transition to full implementation. (Bishop)

CHAIRMAN GULDI:

1210. Motion to table by Legislator Bishop, second by Legislator Fisher. All those in favor? Opposed? Tabled.  
(VOTE: 7-0-0-0) TABLED

1224. Enforcing reverter clause for 72-h real estate transfers.  
(Postal)

CHAIRMAN GULDI:

1224.

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LEG. FISHER:

Explanation.

CHAIRMAN GULDI:

Explanation by Counsel.

MR. SABATINO:

1224 would deal with properties which were previously transferred under Section 72-h of the New York General Municipal Law be it to State, Federal or local government and would provide basically a mechanism to trigger reverter clauses.

Even though there wasn't a deadline placed in those previous transfers, this will create a presumption that if the property has not been used for the governmental purpose that was designated in the 72-h resolution and more than three years has expired since the date that the deed was recorded, then the presumption would be that the property was not being used for the appropriate purpose and that the reverter clause that was contained in those resolutions should now be triggered.

So because the previous resolutions didn't have a deadline in all of them, this would basically create a three-year deadline for previously transferred parcels.

LEG. FISHER:

Does it provide for an extension if, for example, there is a project that hasn't been able to be completed or because of extenuating circumstances within those three years? I was just looking to see if there was -- I'd hate to see a 72-h project that might, you know, have run into difficulty and the reverter clause automatically kicks in without the ability to have any kind of flexibility. I was just curious, I --

MR. SABATINO:

It's not contained in the legislation, but if the process was commenced against that particular State, Federal or Municipal designee and they raised the issue, you would have the ability by another resolution to grant an extension, but it wouldn't be -- the extension is not part of this legislation.

LEG. FISHER:

As it stands right now, Paul, if -- we do have reverter clauses in our 72-h transactions, yes?

MR. SABATINO:

That's correct. What had happened in the past, is this issue came up back in February of this Committee, is that in the past not all of them, in fact, most of them probably do not have deadlines, they all have reverter clauses.

LEG. FISHER:

I remember that discussion.

MR. SABATINO:

But because of some comedy with Federal, State and local jurisdiction,

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there was a desire at this level to basically act in good faith, or to rely on good faith, I should say. The Presiding Officer apparently has had a few instances in which, I mean she's communicated to me that properties in her District were not used for governmental purpose.

The previous Real Estate Director, I indicated to her that you'd have to have a resolution to trigger the reverter clause, which I thought was odd at the time, but nevertheless we did on two or three instances in Presiding Officer Postal's District do resolutions to try to invoke the reverter clause. But this is basically to make it more of a County-wide policy for the previously authorized -- you don't have to do this, this is just a suggestion to deal with the issue.

LEG. FISHER:

Christine, do you find that it would be easier to work with these, with this resolution?

MS. COSTIGAN:

I'll answer that, but I have a further question. Mr. Sabatino's understanding and mine are different of what this resolution portends. The sole purpose of this resolution in the resolve clause as I read it was to direct me to enforce the existing heretofore enacted resolution -- reverter clauses. It does mention anecdotally that in the future you're going to put a time limit in, that's in one of the whereas clauses, but this resolution is just directed to the enforcement of the past reverter clauses.

MR. SABATINO:

Absolutely. Absolutely, yes.

MS. COSTIGAN:

So to speak to that, there are approximately eleven hundred reverter clauses out there, most of which do not have a deadline. I roughly calculated, I mean just to find the files, I mean, I've estimated four hours of reverter clause, to find the file, go out and look at it, establish whether it is what it was supposed to be, you probably have to have some discussion with the Town about, you know, are they calling that thing a sump, it doesn't look like a sump, but maybe they say it's done.

So four hours, it's going to take me two hundred and fifty days of one inspector doing absolutely nothing but enforcing this resolution. In that we have just gotten two years of deeds in one year, I won't get to this right away, maybe in 2006.

CHAIRMAN GULDI:

You don't have the personnel?

MS. COSTIGAN:

Not a chance, no.

CHAIRMAN GULDI:

Well, that would be -- the policy issue, however, we can't drive by the personnel needs. In the event that we enact a policy, I would strongly suggest that your budget requests should reflect the fact that you've been asked to do things to do that you don't have the

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personnel for. I was going to make a sarcastic remark about obviously it will give you something to do with the surplus time your personnel have, knowing that there is no such thing, in that they're all over-tasked saturated at present.

MS. COSTIGAN:

It was I in the original discussion who suggested you should put a time limit on reverters, it certainly makes things easier for us.

CHAIRMAN GULDI:

I was going to point out that you were the -- in this Committee are what brought the ongoing issue to our attention. We need to, however, make the policy determination and we should be prepared if we make that policy determination to follow it up with the budget to provide the resources to implement the policy.

But the fact is that there are eleven hundred parcels roughly out

there that we've given to other layers of government for governmental purposes and we don't know collectively the extent to which they've been used for those purposes. It's something we should do, even if they're all in compliance.

MS. COSTIGAN:

Well, it was my suggestion in putting comments in for this that we put the burden on the towns to tell us whether they have enacted what they said they were going to do. Why should we have to go inspect it? They should have to -- I mean if we sent them a list of, you have been given these properties for reversion, what have you done with them, they have to send back that list. And until they do, they don't get any more property.

LEG. CARACCILOLO:

That's an excellent suggestion.

MS. COSTIGAN:

It seems like a cheaper fix to me.

CHAIRMAN GULDI:

That would be a good way to implement the resolution. The resolution doesn't direct you to do it in any particular way.

LEG. CARACCILOLO:

Mr. Chairman?

MS. COSTIGAN:

It only gives me a hundred and twenty days, though.

CHAIRMAN GULDI:

And you think the hundred and twenty days is problematic for you?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Because you don't have the budget or the personnel?

MS. COSTIGAN:

Yeah. I mean I think it should say with all deliberate speed or, you know, as efficiently as possible or something.

CHAIRMAN GULDI:

Counsel, do you have a suggestion? Mr. Crecca is next, then Mr. Caracciolo. And you want to go back on the list?

LEG. FISHER:

Yes.

CHAIRMAN GULDI:

You usurped before. You will go back on the list if that's amenable to you. But, Counsel you're to answer the question, the time, given the personnel constraints just outlined, and the time constraints of the resolution, what, if any, language, suggestion or approach would you suggest vis-a-vis the legislation, should we pass it the way it is and have the Director come back to us in a hundred and twenty days and say, by the way, you didn't give me the personnel to do this and I need "X" more days or time, or should the sponsor consider a language amendment now?

MR. SABATINO:

I don't think the language has to be changed, because as you stated, the methodology of how it's accomplished is left to management discretion, it doesn't say, you know, physically go out and inspect every property. I like the idea. I mean, quite frankly, I thought the initial approach was going to be to contact municipalities first.

I thought the hardest part would be to identify, I didn't know it was eleven hundred, but whatever the number of parcels were, I figured that would be the hardest part, which is to find out what are the totality of parcels that we've got and then how many of those have we held, have other entities of government held for more than three years.

But I think the hundred and twenty days would be the place to make the change, if there's going to be a change. If the Director is saying it would take longer to do that initial stage of getting out the -- of looking at the files and getting out the letters, then I think the place to do it is with the hundred and twenty days as opposed to rewriting the direction on how to go out --

CHAIRMAN GULDI:

Could you put out the letters to the municipalities within a reasonable time frame in order to make that hundred and twenty day step a reasonable amount of time to anticipate responses and be able to come back to the Legislature at that point with, this is what we've done so far, this is what our results are?

MS. COSTIGAN:

No. I mean realize that I have no list, I will have to go through all of your agendas since you started and pick out from the lists, running my finger down them, if I can get them --

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LEG. FISHER:

There's no list?

MS. COSTIGAN:

-- which are reverter clauses.

LEG. CARACCILOLO:

The Clerk can do that.

MR. SABATINO:

No, no. I didn't realize that was -- if that's the issue, that's easy, because the Clerk's Office has a running year by year in the computer, they just run 72-h and you'll be able to get the master list.

MS. COSTIGAN:

That would be a great help.

MR. SABATINO:

That part will be easy, I mean I doubt that will take more than, well, two days building in bureaucracy, but I thought the harder part would be if you had the list, if you had the list, if the list is generated and we handed it to you, I thought the hardest part would be to track the parcels to see which ones, you know, which ones are, in fact, more than three years. That I thought was the hardest part.

MS. COSTIGAN:

Well, yeah. I'd make them tell us what they did with all of them.

LEG. BISHOP:

Yes, absolutely.

MS. COSTIGAN:

I'd give them the whole list, I would send to Brookhaven the entire list of all properties we had transferred to Brookhaven, and when they get back to me, then I'll figure out which ones are three years, which I could do from the resolution number.

CHAIRMAN GULDI:

Right.

MR. SABATINO:

Maybe the mechanics are -- maybe the mechanics are to do it incrementally, which is if you pass the resolution --

LEG. CARACCILOLO:

If it's three years or older.

MR. SABATINO:

Get the list, the Clerk's office can get the 72-h list.

MS. COSTIGAN:



That will be a great help.

MR. SABATINO:

Okay. That will get you to the next stage. At that point if you just

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send the massive list out to each of the ten towns, well, it's not just the ten towns, though, it's the Federal government, State government, it's going to be more than just that.

LEG. FISHER:

Villages.

MR. SABATINO:

Assuming that can be done in a relatively short period of time, then at the end of hundred a twenty days, as the Chairman indicated, you can get back and say, this is where we are, this is what we anticipate and we can modify it at that point, I suppose. That's another option.

MS. COSTIGAN:

I would certainly think that your priority is what have they done with the affordable housing transfers, I mean that sort of struck me right away as that's what you really want first and foremost.

CHAIRMAN GULDI:

Well, I think that we really need to get a management position with respect to it and I think the whole exercise is one that we need to do. However, I notice that Judge Fitzgibbons is here. I have four --

LEG. BISHOP:

I want to finish this.

CHAIRMAN GULDI:

Actually, I'm going to go even beyond that, I'm going to suggest we stay this discussion, I have a list of several Legislators who still want to speak and ask questions on this, but I assured, I had my staff assure the Judge that we would not delay her here this morning. So I'd ask her -- so I'll take a recess from this, I'd ask her to come forward and we'll deal with that matter.

1407. Amending the Adopted 2003 Capital Budget and Program and appropriating funds in connection with parking at the Second District Court. (County Executive)

LEG. BISHOP:

I'll make a motion to take 1408 out of order -- 1407.

CHAIRMAN GULDI:

Motion to take 1407 out of order by Legislator Bishop. What page is that on our agenda?

LEG. BISHOP:

I think it's the final page.

CHAIRMAN GULDI:

That's on page seven of the agenda. Judge Fitzgibbons, thank you for being here.

HON. JUDGE FITZGIBBONS:

Good morning.

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CHAIRMAN GULDI:

That's 1407, which is amending the Capital Budget Programs, appropriating funds in connection with parking at the Second District Court. You have a set of remarks you'd like to present?

HON. JUDGE FITZGIBBONS:

Well, we spoke at the Space Management meeting about a week or so ago and Legislator Bishop actually could probably speak to this in better detail. I just, at the time we appeared at that meeting, I indicated to the members of that group that we would come down and just for the record state that the Court is satisfied, having visited the site in question in Lindenhurst. That there is adequate parking to support the operation of the Second District Court.

And having listened to Legislator Bishop explain how all of this had been tied in with the development of the downtown area, we felt that it was important that you know that we're satisfied in that respect and that what really would make this site workable for the District Court would be the acquisition of that small piece of property to expand the parking. Perhaps Legislator Bishop would want to expand on that.

LEG. BISHOP:

Sure. Thank you. The Second District Court is currently in Deer Park, which is on the edge of town, and is only accessible by automobile, it's not on any major transportation lines, public transportation lines, and the building is shared with a bank and other offices. So from the Court's perspective, it's an inappropriate site, is that correct, Judge?

(LEG. FIELDS ENTERED THE MEETING AT 10:05 A.M.)

HON. JUDGE FITZGIBBONS:

Yes.

LEG. BISHOP:

Okay. As part of the County's overall thrust to bring County offices to downtowns, the Village of Lindenhurst and myself and the Judge have partnered on a proposal to bring the District Court to the center of the Village of Lindenhurst, which would be right off the corner of Wellwood Avenue and Hoffman Avenue.

There is a park there, a downtown pocket park and then there is a structure and then the Court. So, what this resolution does is reimburse the Village for the condemnation of the structure, which is a small building which houses an exterminating business and it would be used to create, to expand the park and create parking.

The value of that is that it would integrate the Court with the downtown as a whole, and that's essential. And from the Court's perspective, it would enhance security, because they're concerned that they don't want a building right on top of them that they don't have any control and visibility, you know, inside visibility of what's going on there. It would integrate it to the downtown and it would create additional parking.

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The lease on the building itself is at substantially less per square foot than is currently paid in Deer Park, so it's a good deal from the taxpayers' perspective, but it's an even better initiative from the downtown revitalization perspective.

LEG. FISHER:

Good.

LEG. CARACCILOLO:

Is there anyone opposed to that?

LEG. BISHOP:

It was approved unanimously in Space.

CHAIRMAN GULDI:

I missed the Space meeting, but I was at the last meeting that I'm familiar with, because It's been there so many times, and I wanted to say that I'm supporting the resolution because I was unable to attend the last Space Management Committee meeting. Legislator Crecca is next.

LEG. CRECCA:

I just have -- my question changed, you answered most of my questions, Legislator Bishop. From a budgetary point of view, normally the lease of facilities, does this come out of the District Court budget, the County's District Court budget or -- normally, the lease and all that, or should I ask --

MR. SPERO:

That would be charged back from the General Fund to the District Court fund.

LEG. CRECCA:

Would this -- now this is a Capital Budget, I guess program, is this an amendment, no, right. So we're amending the Capital Budget, does it still get charged back?

MR. SPERO:

Yes, it would.

LEG. CRECCA:

Okay. That was -- that answers my question. I'll also be supporting it if the Court is saying that it will --

LEG. CARACCILOLO:

Motion.

CHAIRMAN GULDI:

Any other questions? Me as a co-sponsor on this resolution.

Legislator Bishop, did we -- call the vote on the motion to take out or order, all those in favor? Opposed? The motion to take it out of order is approved, it's now before us. Legislator Bishop's motion to approve --

LEG. CARACCILOLO:

Just for the record, Mr. Chairman.

CHAIRMAN GULDI:

Legislator Caracciolo, let me put a second on the motion before --

LEG. CRECCA:

Second.

LEG. FISHER:

I'll second.

CHAIRMAN GULDI:

Legislator Crecca, second. Now, Legislator Caracciolo, on the motion.

LEG. CARACCILOLO:

I'm also inclined to support this, however, to make the record complete, at any time during the investigation of this move, was there any opposition to the move from Deer Park to Lindenhurst?

LEG. BISHOP:

No. Lindenhurst is clearly a superior location for the Court.

LEG. CARACCILOLO:

And the Village supports it?

CHAIRMAN GULDI:

The Village is wholeheartedly supporting it. They're effectively being partners with this in bringing it to downtown.

CHAIRMAN GULDI:

Any further discussion on the motion? This requires a two-thirds vote, because it's a bond, so it's not eligible for consent calendar, so we'll put it on the regular calendar. All those in favor?

Opposed? Approved unanimously.

(VOTE: 6-0-0-1) (ABSENT: HALEY) APPROVED

HON. JUDGE FITZGIBBONS:

I would just like to thank the members of the Committee and the Chair. Roger Huguenin is my Chief Clerk. He has appeared at all of the Space Management meetings and spoken with all of the County employees to help first find a location suitable for the Court, and I know many of the Legislators on this Committee have been involved in the past in looking for sites suitable for the Courts.

They are really community Courts, they do serve the locality that they exist in and we're very pleased that you're helping us in this regard. Thank you very much.

CHAIRMAN GULDI:

Well, I want to say that Roger has attended enough Space Management Committee meetings that he's now a permanent member. And the fact that we're resolving this doesn't mean that he can stop attending them, he'll just have to continue attending them.

HON. JUDGE FITZGIBBONS:

He's at your disposal.

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CHAIRMAN GULDI:

That resolution being approved, we'll go back to the discussion that we were having, the 72-h discussion. And the list I had on that one is Legislator Caracciolo is next -- no, Legislator Crecca has not

spoken yet. Legislator Crecca, then Caracciolo, then Fisher again.

LEG. CRECCA:

At the last meeting, it was my understanding that Real Estate was going to speak with the sponsor because at that time it was suggested -- let me wait. At that time it was suggested that we were going to make this retroactive -- not retroactive, I'm sorry, prospective and move forward with this and have further 72-h transfers and that we did not have a way of dealing with the 72-h.

Rather than prolong the debate on this, I would just suggest that we give it one more cycle. I'm not trying to delay it, I think it's a good policy, but allow it to be tweaked.

MS. COSTIGAN:

We did that.

LEG. CRECCA:

Oh, you did?

MS. COSTIGAN:

Yes. I met with Mr. Young at some length and gave him my comments and suggestions for a redraft.

LEG. CRECCA:

Okay. Have they been incorporated in the bill or no?

MR. YOUNG:

I spoke with Paul Sabatino about it the other day and it's going to stay the way it is.

CHAIRMAN GULDI:

You have to use the mike.

MR. YOUNG:

I said I met with, excuse me, with Paul Sabatino a couple of times on this issue and apparently it's going to stay the way it is, because the way it's written, it actually accomplishes everything that the sponsor wants to do and I think it incorporates the concern that Ms. Costigan has about the personnel issues. This is basically a policy matter and the mechanics we can work out along the way.

LEG. CRECCA:

Ms. Costigan, my question would be --

LEG. BISHOP:

I'm sorry, I had an idea, so I'm a little excited.

LEG. CRECCA:

I'm going to -- I'm allowed to yield for a moment to Legislator Bishop

before he jumps out of his chair?

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CHAIRMAN GULDI:

Before there's an environmental disaster over there, go ahead.

LEG. BISHOP:

It seems to me that a lot of the issue revolves around personnel and the initial organizing and letters to the Town, can't the Presiding Officer's Office handle that, in other words, and bail out the Real Estate Division and we can accomplish our goals?

CHAIRMAN GULDI:

The one thing I was going to do as Chairman is direct the Clerk's Office at its earliest convenience to generate the 72-h list of transfers since inception from the LADS system and provide it to the Director of the Division of Real Estate and to me as Chairman of the Committee.

LEG. BISHOP:

That's step one. And then it's just letters, which I mean it seems to me that this building can handle letters to the other jurisdictions saying please give us an update. It's only --

LEG. CRECCA:

I don't think it's appropriate, though, for the Legislature to be doing that.

LEG. BISHOP:

No, we're enforcing the legislative resolution.

LEG. FISHER:

We're the ones who voted for the legislation.

LEG. CRECCA:

Right, but we're a policy making body, we're not an administrative, an Executive Branch, and I don't think we should start taking over Executive Branch functions. I understand your point.

LEG. BISHOP:

I would drawn that line at the point where you have to actually take action as a Real Estate Division, which is to enforce it, but in the information gathering station --

LEG. CRECCA:

That we can help, I think.

LEG. BISHOP:

Right. We can assist with that. And that's really the bulk of the



concern that you have. It's probably going to be only one or two, ultimately one or two, we hope, 72-h's that we need to enforce the reverter.

MS. COSTIGAN:

If anyone wants to do the work, I appreciate it.

CHAIRMAN GULDI:

Ms. Costigan, I'll go further than that. In addition to generating the 72-h list, if you in the course of this can find additional

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support services that would be useful to you, please identify them to me and I'll endeavor to arrange for whatever sources we have to help you meet those clerical functions.

MS. COSTIGAN:

Thank you.

CHAIRMAN GULDI:

But I think composing a letter, etcetera, should clearly be within the Division of Real Estate.

LEG. BISHOP:

I tried.

MS. COSTIGAN:

There's another side to this coin. If we get very good at generating the letters, doing the investigation and doing the enforcement, nobody has talked to the Law Department. If we find hundreds of violations that we want to act on, do they -- can they manage it, do they have the horses, what's the procedure? Nobody has even done this.

CHAIRMAN GULDI:

I'm sure we can always count on the Law Department for their continued sterling performance on our legal issues.

LEG. CRECCA:

Can I get back to my questions?

CHAIRMAN GULDI:

Yes. Legislator Crecca has the floor. And I'm going to make an attempt to restore order here.

LEG. CRECCA:

Thank you. Does the bill, this question can go to either Ms. Costigan or Mr. Sabatino, but not to any other Legislators, does the bill deal with prospectively 72-h transfers?

MR. SABATINO:

This bill is dealing with the, with the prior transfers, not prospectively, because two reasons. One is prospectively all of the resolutions will now contain deadlines. And, number two, the sponsors motivation was to try to get these parcels --

LEG. CRECCA:

Back, I understand that.

MR. SABATINO:

And then put them on the auction block to generate money. So the retroactive ones are where the money is, prospectively we don't know.

LEG. CRECCA:

Okay. If I can, and I'm going to get to you in one second, Ms. Costigan. Prospectively, though, the Real Estate should be, if this is going to be the policy moving forward, the Real Estate Division should have a way of implementing this in the future so that we're not dealing with this having to go three years back and find resolutions

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and lists and deeds and contact, there should be a methodology where a particular system or computer system or database that's going to allow them to stay active with it from here on forward.

That certainly would, while it might take some effort now, it certainly would make moving forward easier. And I would think that we should have a resolution putting forth that policy and I'd ask you to address both those issues now, moving forward and also in the past.

MS. COSTIGAN:

You're putting in the deadline, as I said, is a great help to us in terms of enforcing it. We can handle that end. We now have a database. When we get a resolution, we can put it in there with that on it.

LEG. CRECCA:

Okay.

(LEGISLATOR HALEY ENTERED THE MEETING AT 10:15 A.M.)

MS. COSTIGAN:

So that's okay. In this instance, though, this may be much ado about much less than one thing, because if the goal here is to put these things back on the auction block, fully eighty percent of these transfers are roadbeds, sumps, gores, strips, things that are unauctionable anyway.

Unless there's a guesstimate just from our heads and history,

institutional knowledge of my staff, but they're saying that fully less than ten percent of these are auctionable parcels. I mean we don't give away to the towns good stuff.

LEG. CRECCA:

So why don't we just exclude those type of parcels from the legislation rather than create much ado or work about nothing?

MS. COSTIGAN:

Well, now you get to how do you know which ones are which?

MR. SABATINO:

Exactly. The work is going to be the same, but the Director may be right, I mean maybe there's only two parcels out there, I don't know. This is really a question that arose the beginning of this year. But I'll give you one example, the Town of Huntington had a property at the railroad station that was worth ten million dollars which we didn't have a deadline in, they got the property in 1986 and the development wasn't done until 2000 or 2001. So that was ten million dollars the County gave up for sixteen years. So just one of those parcels alone might justify doing something.

But the point is that you're not going know until you go out and check it. It's a lot of work, I mean it's clearly a lot of work. It's a judgment call as to whether you think the benefits are going to exceed the costs and I don't know the answer to that.

MS. COSTIGAN:

It would be certainly helpful to enunciate that that's not your intention. This directs us to do every one, every one, there's no choice, there's no discretion, you have to enforce every one. The last group that, particularly that we gave you last year, we did put a schedule with it of why it was being transferred, sump, roadbed, gore, excess strip, and we could eliminate all of those to the extent that those kind of schedules were included in the past. I haven't looked in the past, so I don't know, but I think oft times you just get the tax map number.

CHAIRMAN GULDI:

Except that I think, you know, that, for example, I'm familiar with we've done -- there's been so many road plans that have been planned, developed and not built that we have, that we really should get a handle on that, you know, on how much of that there is and where it is as well.

MS. COSTIGAN:

You mean our projects that we're conducting?

CHAIRMAN GULDI:

Not just our projects, but County-wide, all levels of government. And to the extent that these parcels are engaged in that, we really should systematically get a management control of that system and the fact that they are, each of them in and of themselves isn't particularly marketable, valuable or etcetera, we should still -- I realistically think we should follow up on them to the extent that, you know, we have 72-h gore strips and sumps to municipalities for roads that haven't been built over the last thirty years, we really should address those and deal with them.

MS. COSTIGAN:

I was thinking the other way, of roadbeds that people don't -- they put in a private road, they don't pay their taxes, we get stuck with it, we get stuck with the liability and we 72-h'd it to get it off our books. We don't care what they do with it really, I mean we're not looking for it to be developed, we're looking for it not to be County property and a liability.

CHAIRMAN GULDI:

Right. I think that, though, clearly, clearly, before you would take action on those, you really need to grapple with it and find out how much of that is out there.

LEG. CRECCA:

But, Mr. Chairman, the fact of the matter is this talks about all, invoking all, invoking the reverter clause on all, and that could be a problem. I think there has to be some sort of -- wait, David has another exciting idea. Poor Mike is sitting there waiting.

CHAIRMAN GULDI:

This time, Legislator Bishop, I'm writing your name down and putting you on the list.

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LEG. CRECCA:

Write it down.

CHAIRMAN GULDI:

Just like your teachers used to.

LEG. CRECCA:

I'm going to stop talking so we can get to Legislator Caracciolo.

CHAIRMAN GULDI:

Yes, but if only Legislator Caracciolo also would stop talking. See, I asked before you started.

LEG. CARACCILO:  
I didn't start.

CHAIRMAN GULDI:  
Precisely, we know that.

LEG. HALEY:  
Am I going to make my lunch date? Mr. Chairman, am I going to make my lunch date?

CHAIRMAN GULDI:  
What day is it?

LEG. BISHOP:  
Is he yielding to me for real?

LEG. CARACCILO:  
Yes.

LEG. BISHOP:  
My new, exciting idea is if we change the resolution to say that, to direct the Real Estate Division to do a report, you know, in six months time back to the Legislature about the status of the 72-h's, would that be a positive development in your opinion?

MS. COSTIGAN:  
That would be a positive development, particularly if I could have, if the list, you know, could be gotten.

LEG. BISHOP:  
How does that sound, Mr. Chairman?

CHAIRMAN GULDI:  
Well, it sounds like different than what we're talking about.

LEG. BISHOP:  
But they want flexibility.

CHAIRMAN GULDI:  
The sponsor is talking about establishing policy. The one sidebar that I did have that I think I want to put on the record is I just had a conversation with Counsel, if I may, Legislator Caracciolo has the floor?

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LEG. CARACCILO:  
Fine.

CHAIRMAN GULDI:

And, Counsel, with respect to the volume of 72-h transfers, you know, to the extent that we have no computer database resources as to what our 72-h's are, how frequently or what proportion or portion of them do you believe went to the things like gore strips, roadbeds and sumps versus what would otherwise be auctionable parcels?

MR. SABATINO:

I mean just from in the recollection of the biweekly meetings, I think that had to be a very small portion of it. The largest portion I think were the affordable housing, the parkland and the general governmental purposes. Those are the ones that seem to jump off the page. There were a few recharge basins along the way to municipalities, but roads, roads don't strike me as being one of the things that we did a lot of.

CHAIRMAN GULDI:

See, there is some benefit to having had Counsel of the Legislature serve for far too many years. Legislator Caracciolo has the floor.

LEG. CARACCILOLO:

I'm going to yield to Legislator Fisher.

LEG. FISHER:

Thank you. Because I've been waiting to finish my questioning regarding the actual resolution.

CHAIRMAN GULDI:

Go ahead.

LEG. FISHER:

Counsel, not all 72-h resolutions had reverter clauses, is that what you said?

MR. SABATINO:

No. Every one of them had a reverter clause. The problem was as a matter of policy, it was just because Legislators were showing respect in my judgment and comity for other levels of government, they relied on good faith, which is that if you put a reverter clause in, that was a message to the State, Federal and local government to take the property, use it for the governmental purpose and take the transfer seriously.

The error that we may have made, and we don't know until we get the facts, is that maybe we showed a little too much good faith, because again Presiding Officer Postal has indicated that she's had experiences in her district where the government didn't use the property and a long period of time has gone by.

If that turns out to be true on across the Board basis, than the error we made was being too nice in not putting an actual deadline into the

reverter claw, but they all have reverter clauses.

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LEG. FISHER:

Okay. I thought that Ms. Costigan had said that not all of them had reverter clauses.

MS. COSTIGAN:

They have reverter clauses, they don't have deadlines in the reverter clauses.

LEG. FISHER:

Okay. Well, it seems to me that although we did think that he was very excitable, I think that Legislator Bishop's plan of taking this step-by-step is a good idea, to generate the list from the Clerk's Office, we have the information in our LADS system.

We then can have the letters going out to the municipalities and in a hundred and twenty days not have all of this in place, but rather have some kind of thumbnail sketch or at least some snapshot of what the program looks like so that we know -- so that we're not speculating on what the percentage is or just relying on our anecdotal memory on it, but we will have the actual, we will have all of the information before us on what the proportion is of auctionable properties.

And if I recall, Christine, wasn't this discussion because of the property in Legislator Haley's District that we were, there was a 72-h to the Town of Brookhaven and I believe next to a senior citizens recreation center and there was some concern here about how the Town of Brookhaven would be using it, would they be using it for recreation or for simply a parking lot. I recall that that was Legislator Caracciolo's problem with that.

MS. COSTIGAN:

Right. I think it was Legislator Towle, but yes.

LEG. FISHER:

Or Legislator Towle. Somebody had that.

LEG. CARACCILOLO:

It wasn't my problem.

LEG. HALEY:

If it was in my district, they'd have no problem with it.

LEG. FISHER:

But that was a very recent issue.

MS. COSTIGAN:



Yes. It was a very valuable piece of property and we respectively discussed at some length giving away a seven hundred thousand dollar piece of property for a dollar and you said, well, they better develop it. And that's when we got to, well, nobody told them when they have to develop it.

LEG. FISHER:

Right. If I recall that, that was the issue and that was a valuable piece of property and it is something that we have to look at very carefully to see if it's developed in the way that we had asserted in

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our policy statements here.

LEG. CARACCILOLO:

Mr. Chairman, I yield back my time?

CHAIRMAN GULDI:

You can't, you yielded to Bishop, you yielded to Fisher, I don't think you can yield to yourself now, but you do have your time back.

LEG. FISHER:

I'll yield it back to you. Thank you.

LEG. CARACCILOLO:

Okay. Legislative Counsel, several years ago this Legislative body 72-h'd a valuable piece of property in the Town of Riverhead to the Town ostensibly for an economic redevelopment project. That project has not taken place. I understand the Town has a reverter clause with the developer, if you will, and that has lapsed. The Town plans to take that property back or may have already done so.

My question is could you research, this was the Rimland building on Main Street in Riverhead, and check to see if we had a reverter clause? I'm told by the Department of Economic Development, Mr. Gatta, that we do, did have that provision in our resolution. If so, which of those reverter clauses would trump and at this time could the Town conceivably be in a position or would have to revert that property back to the Town, since its intended purpose was not accomplished?

MS. COSTIGAN:

I can answer that if you can't, I looked it up.

MR. SABATINO:

Okay.

MS. COSTIGAN:

It happens to be that one came across my desk. And it does have a

reverter clause, the condition of the reverter is if the Town does not pursue the project, the Economic Development project.

LEG. CARACCIOLO:

So at this point, in your opinion then, we could lay claim to that property?

MS. COSTIGAN:

It appears that what was contemplated did not occur.

LEG. CARACCIOLO:

Okay. Then I'll take up with Counsel a possible use for that, County use for that property. Thank you.

CHAIRMAN GULDI:

Okay.

LEG. CRECCA:

Have we voted yet?

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CHAIRMAN GULDI:

Not yet. With respect to the suggestion and discussion that we've had in terms of developing a list and do this in phases, I think -- I respectfully disagree with that. I think that it's important for us as the policy makers to articulate that as a policy matter, as this bill does state, if you have taken land by 72-h transfer from Suffolk County and haven't used it for the governmental purposes of the transfer, we as a policy are going to review and be invoking the reverter clauses.

The details as to the procedures, the when's the how's and the what's on that is literally -- while the statute targets a hundred and twenty days for accomplishing this task and provides no personnel, it still articulates a goal, although albeit a difficult, one that would be certainly difficult to obtain, but not one that would necessarily put us in a position where we'd fail to move along the process.

To the extent that the bill articulates the policy and in a sense tells the world that we are taking this initiative and embarking on it administratively, I see no problem with the bill in its current form and suggest to you as my colleagues that we should move this policy forward and deal with the administration and the information gathering and the more detailed discretionary parts of it as we move the process forward.

LEG. CARACCIOLO:

Motion.

LEG. BISHOP:

On the motion.

CHAIRMAN GULDI:

Before we go to that, do you have a motion and a second yet? No. Motion by Legislator Caracciolo, second by myself. On the motion, Legislator Bishop.

LEG. BISHOP:

We're missing a third of the Committee, perhaps more.

LEG. CRECCA:

We're right here.

LEG. BISHOP:

Oh, we are here. We're missing Fisher as well.

LEG. FISHER:

Here I am.

CHAIRMAN GULDI:

Look behind you.

LEG. BISHOP:

Good. Then we can have the discussion and the vote.

CHAIRMAN GULDI:

We're having the discussion, I think.

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LEG. BISHOP:

I'm going to try. I respectfully disagree in that it seems that the resolution is directing an absolute policy, and if you wanted to deviate from the policy you would need subsequent resolutions. And the issue that is raised by Ms. Costigan, and I don't think it's, you know, raised as a pretext, but as a legitimate, is that there are perhaps numerous circumstances where the County sought, had an advantage by 72-h'g it and allowing it to flow to another level of government and, in essence, let it be their headache.

And so it would seem to me that the first stop, the logical step, is to gather all of the information first. And both the Director and Mr. Young agree that that is not a bad course of action. So why don't we do the Committee's, you know, the best of Committee work and adjust the bill after a meaningful discussion and move forward.

LEG. FISHER:

I agree, Mr. Chair, and I will be supporting --

CHAIRMAN GULDI:

If I may respond to the argument?

LEG. BISHOP:

Sure.

CHAIRMAN GULDI:

The Director of the Division of Real Estate is concerned about us taking back into possession parcels that we really didn't want to is one, a situation and circumstance that I'm well familiar with for, I don't know whether it's three or four years I've been, or five years I've been a member of Ways & Means. In any event, my recollection is that when, in those circumstances, what we had, the mechanism we've relied on most frequently is not 72-h, but mere certificates of abandonment.

While those concerns are real bona fide and have come up, I don't think that they're going to be involved in this process in any material way. I do believe that if we move the process along and find information with respect to parcels, that, yes, further action will be required, but I don't believe that failing to enact the policy today will move the process along.

I think that the way to move the process along is to enact, to articulate and enact the policy, begin the process and certainly in the event that the details and data do come up indicating that the policy needs adjusting, we should adjust it at that time. So that's the reason I'll be supporting the resolution and urging you to do so.

LEG. BISHOP:

It's like Clay and Webster, the two of them, I mean it's such a high level of debate.

CHAIRMAN GULDI:

I only wish it was.

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LEG. FISHER:

I wish it were.

LEG. BISHOP:

Marty is John Calhoun, by the way.

CHAIRMAN GULDI:

That would be if I was speaking English, this is the Suffolk County Legislature. Any further debate on the motion? We have a motion and a second to approve.

LEG. FISHER:

I believe the Director wanted to say something.

CHAIRMAN GULDI:

Did you have your hand up?

MS. COSTIGAN:

In that I know you would never want to pass a resolution which was doomed to failure, may I suggest that if I were able to have the list, which apparently I can have fairly quickly, then on the turnaround, if you table this, on the turnaround of the Committee I could give you -- we could stop exchanging anecdotes and I could give you some facts.

CHAIRMAN GULDI:

I think I've heard four people make a motion to table.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Who wants to claim it?

LEG. CRECCA:

David.

CHAIRMAN GULDI:

Legislator Bishop's motion to table, second by Legislator Fisher. On the motion to table, this was --

LEG. CRECCA:

Call the vote.

CHAIRMAN GULDI:

All those in favor of tabling? Opposed? Abstentions? List me as opposed to tabling. (VOTE: 6-1-0-0) (OPPOSED: GULDI) TABLED

CHAIRMAN GULDI:

And now we are an hour into the resolution and what do you know, we've tabled yet another one. I have requested the Clerk to generate the 72-h list, I see nodding. I would like that to go forward with all deliberate speed in all cases and in any event. Moving right along 1225.

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1225. Adopting Local Law No.     -2003, a Local Law to authorize County registry for domestic partners. (Postal)

LEG. HALEY:

Motion to table. Motion to table.

LEG. CRECCA:  
Second.

CHAIRMAN GULDI:  
Motion to table by Legislator Haley, second by Legislator Crecca.

LEG. FISHER:  
I'd like to make a motion to discharge without recommendation.

CHAIRMAN GULDI:  
The motion to table takes precedence in any event, so let's take the vote on the motion to table. Debate on the motion to table by anyone?

LEG. FISHER:  
Yes.

CHAIRMAN GULDI:  
Legislator Fisher.

LEG. FISHER:  
I'd like to make a motion to discharge without recommendation because we are not asking our Legislature here to approve or disapprove of a lifestyle or any number of other issues that they may have with this, we're asking simply that people who are living in a reality be able to register their living arrangements.

We just heard the story from a person who came to speak before us whose family member, a person whom she regarded as a family member for seven years during her life died, and she was not even allowed the human courtesy and respect to take time to grieve for that person.

This is just a matter of human dignity and a matter of simply allowing someone to register the way in which they live in some kind of formal way. And so I ask that we at least let this go before the full Legislature next Tuesday and discharge it without recommendation.

CHAIRMAN GULDI:  
Legislator Caracciolo is next.

LEG. CARACCILOLO:  
My understanding of the speaker's remarks with respect to requesting bereavement leave has nothing to do with a registry, they're two separate issues. One is a contractual benefit that has to be negotiated for by the speaker's employee representative or union and the other is a registry, they're two different things.

LEG. FISHER:  
Can I just answer that, because she made that clear in her remarks?

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LEG. CARACCILO:

I understood what, you know, her issue was she want to her supervisor, she went to her union representative to request paid time off to attend a funeral. Now, it is not uncommon at all in most workplaces, public and private workplaces, employee workplaces, where there are benefits that employees enjoy. One might say that government employees enjoy, at least when it comes to bereavement leaves, a much broader range of categories of eligibility to take time off than clearly the average employee in the private sector.

Having said that, the real issue comes down to that's a benefit that's provided through collective bargaining, of which this legislative body has no jurisdiction and by passing this resolution would not have changed her situation with respect to requesting and receiving --

LEG. FISHER:

She said it would have.

LEG. CARACCILO:

It would not. Counsel, could you comment on my representation?

MR. SABATINO:

Well, you have to make distinctions. In the situation in which an employee is working pursuant to a collective bargaining agreement, your statement is absolutely correct. But the flip side of that is that only twelve or thirteen percent of the people in America are represented by unions.

LEG. CARACCILO:

We're talking about Suffolk County, though.

MR. SABATINO:

Well, but the same, it's the same.

LEG. CARACCILO:

She's a County employee.

MR. SABATINO:

Okay. A County employee is different, but the statute is not dealing with County, it's not directed to County employees, the statute is directed at the whole world. So if somebody gets the designation, whatever effect that would have pursuant to whatever their employer's policies are. In the case of collective bargaining agreements, it would depend on what the agreement said, but you certainly wouldn't be changing the collective bargaining agreement. But with respect to a whole array of other situations where there's not a collective bargaining agreement, it would have an impact.

So the answer, you know, is yes, both of you are right, it's just that



you're talking about different situations.

LEG. CARACCIOLO:

Well, with all due respect, Legislator Fisher referred to the speaker who is a County employee and based on the current collective bargaining agreement she obviously does not enjoy a benefit as a domestic partner that would have entitled her to paid time off. She

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could have attended and she probably did attend the funeral on her own time, but that's a practice that's prevalent throughout not only our County, but throughout our State and our Country.

CHAIRMAN GULDI:

Given the debate should be -- rather than trying to convince each other of things, let's call the vote on the table, the motion in roll call. Legislator Haley?

LEG. HALEY:

Yes.

CHAIRMAN GULDI:

Legislator Fields?

LEG. FIELDS:

No.

CHAIRMAN GULDI:

Legislator Fisher?

LEG. FISHER:

No.

CHAIRMAN GULDI:

Legislator Crecca?

LEG. CRECCA:

Yes.

CHAIRMAN GULDI:

Legislator Bishop?

LEG. BISHOP:

No.

CHAIRMAN GULDI:

Legislator Caracciolo?

LEG. CARACCIOLO:

Of course.

CHAIRMAN GULDI:

I'm voting no to table. The motion to table fails three to four.

Motion to discharge without recommendation by Legislator Fisher, seconded by myself.

LEG. CRECCA:

On the motion.

CHAIRMAN GULDI:

Are we going to have more debate to convince each other?

LEG. CRECCA:

Yeah. You know what, it's not going to do any good anyway, so I'll save it for the floor.

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CHAIRMAN GULDI:

Precisely. On the motion to discharge without recommendation, all those in favor?

LEG. CARACCILOLO:

Roll call.

CHAIRMAN GULDI:

Roll call. Legislator Haley, discharge without recommendation motion?

LEG. HALEY:

No.

CHAIRMAN GULDI:

Legislator Haley is a no. Legislator Fields?

LEG. FIELDS:

Yes.

CHAIRMAN GULDI:

Legislator Fisher?

LEG. FISHER:

Yes.

CHAIRMAN GULDI:

Legislator Crecca?

LEG. CRECCA:

No.

CHAIRMAN GULDI:  
Legislator Bishop?

LEG. BISHOP:  
Yes.

CHAIRMAN GULDI:  
Legislator Caracciolo?

LEG. CARACCIOLO:  
No.

CHAIRMAN GULDI:  
And I'm voting yes to discharge without recommendation. Discharged without recommendation, four-three, without an hour and a half debate where nobody changed their mind. That issue will be other the floor Tuesday for debate. (VOTE: 4-3-0-0) (OPPOSED: CRECCA, CARACCIOLO, HALEY) DISCHARGED WITHOUT RECOMMENDATION

1226. Adopting Local Law No. -2003, a Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings.  
(Fields)

CHAIRMAN GULDI:  
1226. Legislator Fields.

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LEG. FIELDS:  
Motion to table.

CHAIRMAN GULDI:  
Motion to table, second by myself. Discussion? All those in favor? Opposed? 1226 is tabled. (VOTE: 7-0-0-0) TABLED

1231. To implement Space Management Reform. (Fields)

CHAIRMAN GULDI:  
1231. Legislator Fields, your bill. Did somebody want to be recognized?

LEG. FIELDS:  
Yes.

LEG. HALEY:  
Legislator Fields and I would like to be noted with the majority on the votes we previously missed.

CHAIRMAN GULDI:  
Motion to reconsider and add you to the tabling motions on everything

except the two that we approved.

LEG. HALEY:  
There you go.

LEG. FIELDS:  
NO. I think I -- I was at a meeting, an 8:30 meeting and I was here late, so I think I came in on 1220 -- 1210.

CHAIRMAN GULDI:  
Motion to include both Legislator Haley and Fields with the majority on the early tabling motions and the two group motions, second by myself. Discussion ? All those in favor? Opposed? Approved.  
Legislator Fields on 1231?

LEG. FIELDS:  
Actually, Legislator Haley and I are working on something, so yes.

LEG. HALEY:  
Now I'm starting to worry.

CHAIRMAN GULDI:  
All I can say, Legislator Fields, is watch yourself.

LEG. FISHER:  
You're sure you don't want to vote on that discharge petition?

LEG. FIELDS:  
So I'm going to make a motion to table while we try to come up with --

CHAIRMAN GULDI:  
Motion to table by Legislator Fields, second by Legislator Haley. All those in favor? Opposed? 1231 is tabled. (VOTE: 7-0-0-0) TABLED

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1235. Adopting Local Law No. --2003, a Charter Law to reform membership of Suffolk County Ethics Commission. (Guldi)

CHAIRMAN GULDI:  
1235. Is there anyone here to speak on this motion? I still haven't heard from the Bar Association, I'd like them to respond to this since they have an expanded role in this.

LEG. CARACCILO:  
Why don't we eliminate, redact -- why don't we give the public what they're entitled to?

LEG. FIELDS:  
Why don't we make a motion to --

LEG. HALEY:  
Absolutely not.

LEG. FIELDS:  
Do you want to discharge this one without recommendation and maybe the Bar Association will think it's important enough to come Tuesday?

CHAIRMAN GULDI:  
You know --

LEG. BISHOP:  
Can I just get an explanation on this one?

CHAIRMAN GULDI:  
Yeah, I'll give you an explanation and I'll have Counsel second guess me to the extent I'm wrong. We had received a report, the first of many annual required reports, on the activities of the ethics commission. One of the things that that report highlighted is the fact that notwithstanding prior, prior policy determinations by the Legislature to create an independent staff for the Ethics Commission, none has been created and as such it doesn't meet its own requirements.

This bill reiterates and directs the creation of the independent staff and also expands the membership of the Commission to make it, essentially to make it more diverse and thereby less -- to make it more diverse on a, a broader based organization so that it doesn't consist solely of appointees of the Presiding Officer and the County Executive, which frankly is too narrow a political focus in most times to provide for balance, fairness and assurance of ethics.

The bill actually was considering incorporating some of the more sanguine features of the Feerick Commission report to bring us in compliance. Despite the suggestion of a snide remark in the hallway that this was somehow pay back for dissatisfaction by me, this was actually the result of a request from Southampton Town to in its revisions of its Ethics Commission to use the Suffolk County's Ethics Commission as a, essentially an appellate or oversight back-up to the Town's Ethics Commissions, and then in just glancing at it, our Ethics Commissions didn't meet the minimum standards of the Feerick Commission report for independence. It was our Dean Feerick from the

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Feerick Commission that was -- you need your law school tie? So that's the genesis of the bill.

LEG. BISHOP:  
What's the difference, what are you doing?

CHAIRMAN GULDI:

Expanding the membership and creating an independent staff.

LEG. BISHOP:

An independent staff?

CHAIRMAN GULDI:

Yes, independent staff. Right now the staff of this, the clerical and the legal staff --

LEG. CRECCA:

They're all lawyers on there.

CHAIRMAN GULDI:

Yeah. We haven't heard from them, obviously, and we haven't heard from the Ethics Commission on this one, though they haven't been reticent to opine on pending legislation in the past.

LEG. FIELDS:

So why wouldn't we either make a motion to approve or --

CHAIRMAN GULDI:

All right. You talked me into it, I'll make a motion to approve.

LEG. FIELDS:

-- or discharge without recommendation and let's hear --

LEG. BISHOP:

What's the new staff? I just want to understand.

CHAIRMAN GULDI:

The new staff would be staff directly engaged by the Commission and sufficient and adequate to meet their needs. I don't think they need a lot of full-timers, I think frankly its volume isn't such that it requires that. But right now all of the staff are discretionary employees in the County Executive and that, frankly, is contrary to existing law in this County and contrary to common sense to have all of the administrative and advice functions of an Ethics Commission performed by discretionary employees of the Executive.

LEG. FIELDS:

So, motion to approve.

CHAIRMAN GULDI:

Because they totally lack independence. I made the motion to approve and Legislator Fields is seconding.

LEG. CRECCA:

On the motion.

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CHAIRMAN GULDI:  
Legislator Crecca.

LEG. CRECCA:  
Does everyone realize -- there's only one non-lawyer on the Ethics Commission then under this? There's seven members, correct, George?

CHAIRMAN GULDI:  
At the moment there are no non-lawyers.

LEG. CRECCA:  
No, I don't mean that. I mean on your proposed --

CHAIRMAN GULDI:  
One retired Judge, two retired Judges. I'd be willing to entertain suggestions to modify that, if you want. There are two non-Judges.

LEG. CRECCA:  
That's what I'm asking, I'm just trying to -- which one, number seven?

MR. SABATINO:  
Six and seven.

CHAIRMAN GULDI:  
Six and seven.

LEG. CRECCA:  
And it also calls that no more than four members shall belong to the same political party?

CHAIRMAN GULDI:  
That's correct.

LEG. CRECCA:  
So now we have to look at the registration.

CHAIRMAN GULDI:  
We do under the existing law, don't we, Counsel? And that's fairly standard in order to provide some balance in an organization.

LEG. FIELDS:  
Can we get the before and the after?

CHAIRMAN GULDI:  
Counsel, do you want to summarize the before and the after and the changes?



MR. SABATINO:

All right. The current law, the one that's on the books right now has a three-member commission. One member is appointed by the Presiding Officer, one is appointed by the County Executive and one is appointed by the Legislature. No more than two of those three under current law can be a member of the same political party.

This component of the statute would change in that the three members would now become a seven member group and they'd have some background

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requirements. So, for example, if you just run through the list of seven, one would be appointed by the County Executive, who would be a retired Judge. One would be picked by the Legislature, who would be a retired Judge. One would be picked by the County Executive, who would have a background as a law professor with a specialty in the field of ethics law.

Another individual would be selected by the County Legislature with a similar background in the field of ethics. Another member would be picked by the County Legislature as a retired lawyer with at least ten years of prior experience in ethics compliance issues in the workplace. The sixth member would be an individual picked by the Presiding Officer with a ten year background of working as Human Resources Officer or Personnel Director or Labor Relations Officer in the private sector dealing with ethics compliance issues. And the last member would be an individual picked by the Minority Leader with a background or expertise in the field of ethics.

The second, the second change is that instead of two members not being from the same parties, it would be four to accommodate the fact that now it's a seven member committee.

The third change would be to preclude individuals who are appointees of, either elected officials of the State of New York or any political subdivision or who are employees of the State or the municipality from being members and also would prohibit party officers from being members of the commission.

The next change would basically track the anti-nepotism provisions which are currently in County law and say that somebody who would be precluded from employment for anti-nepotism purposes would also be precluded from serving on the Board.

And the last change is the current law provides for an Executive Director to be retained by the Commission as independent staff. This position has not been filled up to date, but this would -- this amendment would add a second position which would provide for an independent counsel as opposed to using County employee. Those are

the total of the changes.

LEG. CRECCA:

On the motion.

CHAIRMAN GULDI:

On the motion, Legislator Crecca. The motion is already before us, Legislator Caracciolo.

LEG. CRECCA:

Two points. Do we have any idea what it's going to cost? That's just one thing I bring up. I don't know if the fiscal impact statement was attached, it's not attached to my copy.

And, secondly and more importantly, I have looked at the bill and I think it has a tremendous amount of merit, the one concern I have, which I have just recently expressed to the sponsor, is the seventh appointee, who is one individual who shall be appointed by the

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Minority Leader of the largest minority party in the County Legislature, and then it goes on to define measured by the number and then it's who -- the qualifications of such person.

You know obviously there are two scenarios I can think of --

LEG. BISHOP:

No disrespect to the current minority --

LEG. CRECCA:

No disrespect. As a matter of fact, I would invite the appointee of the current Minority Leader, but the reality is is that I think this is, you're again infusing some politics into this, and look at the current situation where we have the Minority Party has the Presiding Officer, number one.

Number two is we could have a situation very easily where we have a nine-nine Legislature where there shall be no Minority Party. And on top of all of that, I'm not so sure we've ever defined how a Minority Leader is chosen or it's not part of our rules, so, you know, basically we're giving elevated status, and no offense to the current Minority Leader, to someone who, you know, really is not really an official position. So if we could just tweak the seventh appointee, I like the idea of having an odd number, but I do have a problem with that.

CHAIRMAN GULDI:

Well, just to the appointing process is that three are from the County Executive, two are from the County Legislature at large, one is

intended to come from the Presiding Officer, one from the Minority Leader. The problem is that the Presiding Officer is --

LEG. BISHOP:  
For the Minority Party.

CHAIRMAN GULDI:  
At the present time is from the Minority Party.

LEG. BISHOP:  
That skews is.

CHAIRMAN GULDI:  
That skews it. What that's meant to be is essentially one from, one from each side of the County Legislature.

LEG. BISHOP:  
So what you can do is --

LEG. CRECCA:  
The bill already protects against that by saying that four, no more than four can belong to the same political party. So why is the Minority Leader getting an appointment? We should just make it three from the Legislature then.

CHAIRMAN GULDI:  
Well, it's four from the Legislature.

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LEG. CRECCA:  
Well, I know. I'm saying you have two from the Legislature --

CHAIRMAN GULDI:  
The effort was to do -- the intent was to do two from the Legislature at large, one from the leadership, if you will, on each side, albeit it's problematic because in our history there have been times when there have been no one in a formal position of leadership in one party.

LEG. CRECCA:  
That's what I'm saying. If you -- independent the problem you're trying to address and that's fine, but I don't think it should be and again --

LEG. CARACCILO:  
Call the motion.

LEG. HALEY:  
I have a point. Why don't you just make those last two to be from

the -- the two majority caucuses? In other words, you can have a conservative or independent on the Legislature or some other whackado party, so make it the two majority caucuses.

CHAIRMAN GULDI:

Is that on the record, the conservative --

LEG. HALEY:

I said some other, other.

CHAIRMAN GULDI:

I just wanted the clarification of that.

LEG. HALEY:

Calm down, speedy.

CHAIRMAN GULDI:

Counsel, do you have a suggestion on how we could --

LEG. CARACCILOLO:

Make it three, George. Put people with qualifications and leave it at three.

CHAIRMAN GULDI:

No. The trouble with leaving it at three, Mike, is that you have enough sources --

LEG. HALEY:

Motion to table.

CHAIRMAN GULDI:

It's too --

LEG. CARACCILOLO:

Not really. Not if you put qualified people. I applaud you for your effort to put people on the Commission that have some background and

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some substance and are not just political appointees. However, I don't think anything you or we do will ever prevent some type of political influence. You want to put people on there who are ethics law professors, have workplace experience, that's fine, leave it at three.

CHAIRMAN GULDI:

I disagree, and let me tell you why. Because even if you leave it at three, you can run into the situation where however those three are appointed, they become -- that they're too close to too small a group. By having seven, you have a larger pool. When the Ethics Commission

becomes the County Executive's appointee, his political ally's neighbor and his political ally's aide, it's too narrow.

LEG. CARACCILOLO:

Mr. Chairman, if you have a situation as we've had for many years where one party dominates, the Legislative Body and the Executive Branch of County government, you'll have a total majority monopoly. Okay? So there are no safeguards to --

CHAIRMAN GULDI:

This has one safeguard in that in by creating seven and providing that no more than four can come from the same political party there is, to a degree, a safeguard against that.

LEG. CARACCILOLO:

I'm all for that, that's the majority.

CHAIRMAN GULDI:

Yes, but a majority doesn't necessarily drive policy all the time.

LEG. HALEY:

I second the motion to table.

CHAIRMAN GULDI:

I've got a motion to table and a second. Legislator Bishop --

LEG. FIELDS:

Wait a minute. You had asked Counsel if he had another suggestion.

CHAIRMAN GULDI:

Yes. I'd like to put it on the record.

MR. SABATINO:

The only observation I would make is that you really, you're debating policy issues. With regard to that seventh position, that language is exactly the same language which has been used for a series of other Boards, like the Campaign Finance Board, the Offshore Gambling Casino Board. The language is no different, so if you try to be consistent, you write it one way, you write it the same way. But these are policy decisions, I mean if you want to do it differently, I'll be happy to draft it differently, but we were consistent in terms of the language.

CHAIRMAN GULDI:

All right. I hear the motion to table. I understand the problem, I don't see the solution. On the motion to table, all those in favor of

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tabling? Legislator Haley, Legislator Caracciolo, Legislator Crecca.  
All those opposed? Myself, Legislator Bishop, Legislator Fields,

motion to table fails three to four.

On the motion to approve, we've debated it, let's call the roll. All those in favor? Legislator Haley?

LEG. HALEY:  
No.

CHAIRMAN GULDI:  
Legislator Fields?

LEG. FIELDS:  
Yes.

CHAIRMAN GULDI:  
Legislator Fisher?

LEG. FISHER:  
Yes.

CHAIRMAN GULDI:  
Legislator Crecca?

LEG. CRECCA:  
Abstain.

CHAIRMAN GULDI:  
Legislator Bishop?

LEG. BISHOP:  
Yes.

CHAIRMAN GULDI:  
Legislator Caracciolo?

LEG. CARACCILOLO:  
No.

CHAIRMAN GULDI:  
And myself, it's approved. (VOTE: 4-2-1-0) (OPPOSED: CARACCILOLO, HALEY) (ABSTENTIONS: CRECCA) APPROVED

LEG. CARACCILOLO:  
Real ethics law reform would be allowing the public to see your financial disclosure. Support that and then you'll be doing real reform.

LEG. HALEY:  
Wait a minute, I don't want anybody to know how poor I am.

LEG. CARACCIOLO:

I'm going to refile that bill, co-sponsored by Legislator Bishop.

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CHAIRMAN GULDI:

I have since before being elected, since before being elected to the Legislature, Mike, I have personally taken my financial disclosure form and faxed it to every news agency in the area demanding my opponents release theirs with the detail and no one ever has. So you don't need ethics reform in order to go ahead and personally release your own.

I'll absolutely support that legislation if you put it in, but I'm suggesting to you that you don't even need the legislation, because you the power to circulate your own and I have done so.

LEG. CARACCIOLO:

We're getting there, we've got three.

LEG. HALEY:

I don't want my ex-wife knowing what I make.

CHAIRMAN GULDI:

She knows and she told me, Marty.

1247. Adopting Local Law No. --2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan I) (Crecca)

CHAIRMAN GULDI:

1247. Legislator Crecca, what do you want?

LEG. CRECCA:

Motion to discharge without recommendation.

CHAIRMAN GULDI:

Motion to discharge without recommendation by Legislator Crecca.  
Second by?

LEG. CARACCIOLO:

I'll second.

CHAIRMAN GULDI:

Legislator Caracciolo. On the motion to discharge without recommendation, this is something we're all -- we've all debated ad nauseam. Any further comment?

LEG. FIELDS:



Motion to table.

LEG. CRECCA:

I just wanted to add that we should just discharge all of them, we have an obligation to the voters of Suffolk County to try to move on redistricting. If they're all live at the horseshoe, at least we're keeping the debate alive there and we're allowing for the possibility of a redistricting plan to be adopted.

So again, I think that that certainly is the right thing to do and I think anything to stifle that, I mean I can certainly say that we shouldn't not discharge the other ones also, but that would again be I

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think just partisan politics. And I think that we still while we can't -- have not been able to come to a consensus on redistricting, I think everyone agrees that we have an obligation to make a real effort to try to do it and we have probably one meeting left to do it before the Court steps in.

CHAIRMAN GULDI:

I have a motion to table by Legislator Fields. Is there a -- on the motion to discharge?

LEG. CARACCILOLO:

Motion to table, let's see --

CHAIRMAN GULDI:

Legislator Fisher, on the motion.

LEG. FISHER:

If we work for discharge all of the five --

CHAIRMAN GULDI:

Five? Three.

LEG. FISHER:

There are five, I think there are five.

LEG. CRECCA:

There are three on this agenda, but there are five altogether.

LEG. FISHER:

Mine is on this agenda. I have two on this agenda.

LEG. CARACCILOLO:

And we'll support discharge.

LEG. FISHER:

I just wanted to finish this. If we were to support the discharge on all of the recommendations that are on this agenda, it would be very important for the public that the large maps again be placed in the lobby so that people can see them. I believe that the public has been left out of much of the debate regarding these, this very important issue and I believe it's important for the public to see what's out there.

LEG. BISHOP:

On the motion.

CHAIRMAN GULDI:

Legislator Bishop is next on the motion.

LEG. BISHOP:

Unfortunately from my perspective, this is not a good faith effort to redraw the District line maps to reflect shifts in population and legal mandates. First and perhaps foremost with regard to the creation of a minority district in Brentwood, which by all legal analysis is required following this census, this does not do that in a way that keeps the Brentwood community whole.

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From a parochial perspective, this proposal splits the town line between Islip and Babylon, which is legally challengeable, and it also splits the Village of Babylon. Now not only is that objectionable, but it was done in a way that I find somewhat underhanded, in that after the public hearings were closed, these changes were put in. So it appears to be a cynical political map and not a good faith effort at drawing a map that would generate across the board support so that we could move past partisan bickering and redistricting and towards consensus.

CHAIRMAN GULDI:

Legislator Crecca.

LEG. CRECCA:

Yes. I assume the comments are directed specifically towards 1247, and what I would say is if the Census Bureau's definition of communities was used in drawing that map, specifically in the original legislation that was filed, a portion of Babylon village was in, put into Legislator -- the 11th Legislative District. And in the subsequent amendment that was filed, the entire Babylon Village as a subdivision at least according, as defined by what we call census communities, was placed inside Legislator Carpenter's.

We crossed town lines in many districts to keep communities together. A perfect example is the fact that I represent in my district, I have four towns in my district. Under all the redistricting plans I still

have three towns, and that's because Hauppauge happens to be split between two towns. Nesconset is split between two towns, Ronkonkoma I think is in three towns. You know, so the fact of the matter is that we cross town lines to try to put together, keep communities intact. The fact of the matter is 1247 was drawn with an eye towards building consensus, not building division. The reality is --

LEG. BISHOP:

I'm sorry, I have a question if you'll yield.

LEG. CRECCA:

Sure.

LEG. BISHOP:

Did you say that under -- you have a new change and under the change the entire Village of Babylon is moved into the Islip District, is that correct?

LEG. CRECCA:

No. When the amendments were made to that bill, they were made on the day of the public hearing. And I would remind you, Legislator Bishop, that Legislator Tonna's was amended the same day, I believe Legislator Fisher's was amended the same day, because that was the day that the deadline was, it happened to be a coincidence.

LEG. FISHER:

No, I didn't. Mine was not amended, I introduced a new bill, that's why there are five bills here.

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LEG. CRECCA:

But -- I apologize then. So -- but my point was, was that yes, what I said was the amendments were done, if you'll look at this, I guess it's called the CDC maps, which is census defined communities, that mirrors most of the lines, that mirrors most of the lines on map 1247. I certainly would be happy, Legislator Fisher, to have it posted with the CDC lines on it. And literally Babylon Village is defined as was defined, and that's how we got to it, Legislator Bishop.

LEG. BISHOP:

May I go on the list, I also have a question.

CHAIRMAN GULDI:

Yes, you can go on the list.

LEG. CRECCA:

But certainly this is a healthy debate and I think that debate should take place on the floor of the Legislature on all of the bills including, you know, both of the bills that I've sponsored, both of

the bills that Legislator Fisher has sponsored as well as Legislator Tonna's. I can't say I agree with all the maps, I don't.

LEG. FISHER:

I certainly don't agree with this map and I agree with everything that Legislator Bishop said about the map, because I don't believe that it reflects the majority/minority community, but I think it's important for the people of Suffolk County to see the maps. And I believe it's important for us to bring the debate, that it be a transparent debate, that the people of Suffolk County see it.

That I was very disappointed in this particular issue being used as a wedge against some very good legislation that should have occurred on Tuesday. That was very disappointing to me. And I see many ugly ramifications coming from back room discussions and vindictive dealings coming out of what should be good policy, good government -- good policy, good government, transparent public debate.

I don't believe that we should relinquish our right to self determination to the Courts. I don't believe that we should use reapportionment as a way of hammering one another and I do believe that we should bring this to the public.

CHAIRMAN GULDI:

Legislator Bishop is next and then I'm going to speak.

LEG. BISHOP:

Yes. Counsel, on the current version of this resolution, could you tell me which Babylon Town election districts are now in the 11th Legislative District?

MR. SABATINO:

I could read the numbers.

LEG. BISHOP:

Yes.

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MR. SABATINO:

1, 2, 3, 15, 21, 23, 33, 61, 94, 121, 130, 142, 1450, up to 142, I'm sorry, just leave it at 142.

LEG. BISHOP:

Twelve election districts. Okay. Now, that's greater than the Village of Babylon, so it's a portion of the Town of Babylon as well. Independent you're using -- I think that taking Babylon out of the Town of Babylon is the height of cynical map drawing. And moreover, doing so after public hearings are closed so that the communities impacted did not have an opportunity to comment on it is a deplorable

action and one that should not be credited by moving this bill forward. And that's my perspective on it.

CHAIRMAN GULDI:

Legislator -- you'll go back on the list.

LEG. BISHOP:

I mean if you wanted to do this, then, you know, first of all, it's poor policy, but moreover, at least you should have had the guts to do it when the public hearing was open, not do it after the public hearing is closed, sneak in, change everything around.

LEG. CRECCA:

Yeah, I snuck in.

LEG. BISHOP:

All right. I don't know when you did it, walk-in, snuck in, however you did it, you didn't do it with an opportunity for the public to comment. And saying they can come and comment in the three minute portion is wholly insufficient and you know it.

CHAIRMAN GULDI:

Legislator Crecca will get a chance to respond, he's on the list. Actually, I wanted to address Legislator Fisher's remarks, so I'll yield to Legislator Crecca and wait for Legislator Fisher.

LEG. CRECCA:

My only response was it was okay when Legislator Tonna amended his bill 1248 at 5:30 at night to tweak Legislator Bishop's district, to make the changes that you requested, so I'm just saying.

LEG. BISHOP:

I didn't request anything, that is not true.

LEG. CRECCA:

David, you're sitting here making accusations against, against that we put Babylon Village together --

LEG. BISHOP:

I'm not making accusations.

CHAIRMAN GULDI:

One at a time, one at a time.

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LEG. BISHOP:

I simply reviewed --

LEG. CRECCA:

You said I snuck into the Clerk's Office to file a bill.

CHAIRMAN GULDI:

One at a time.

LEG. BISHOP:

Whatever you did, you did it after the hearing was closed and that was my point. I'm not supporting Legislator Tonna's map and I'm certainly not supporting this map.

CHAIRMAN GULDI:

If you two are done for the moment --

LEG. CRECCA:

I'm done.

CHAIRMAN GULDI:

Okay. I would -- Legislator Fisher, I wanted to respond to your remarks. And while I found your remarks compelling, there is one small -- one huge problem I have with this map, and that is to the extent that this map does not per se and a prima facie in my opinion comply with the voting rights requirements of keeping the minority/majority community located in Brentwood intact, it, and voting for it and discharging it with be contrary to my office, my oath of office to uphold the laws of the United States, which that law is part of.

While I agree that the debate should be out there, I don't agree that we can move a map that's a per se violation of the voting rights from this Committee and I can't support that by discharge or by approval. And I urge you, in spite of your good intentions to advance the dialogue, to consider that problem that I find insurmountable. Legislator --

LEG. FISHER:

But isn't it discharge without recommendation?

CHAIRMAN GULDI:

I cant, I can't, I can't do that while given -- independent that the motion is discharge without recommendation, but I personally can't even advance it in the process, because of its per se violation of the Voting Rights Act. Legislator Haley is jumping up and down.

LEG. HALEY:

Thank you. You know, for every attorney that has one opinion, we can find another one that has an equal and opposite, so, you know, not that, not that I don't respect your opinion. I'm willing to support Legislator Fisher's approach, and perhaps my colleagues will as well, to discharge without recommendation not only 1247, 1248, 1249 and do

the same with Legislator Crecca's 1304 and Legislator Fisher's 1354.

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LEG. CARACCILOLO:  
George?

CHAIRMAN GULDI:  
Legislator Caracciolo and then I'll respond to Legislator Haley.

LEG. CARACCILOLO:  
I would like to hear from the Chairman what you believe are some legal shortcomings of each and every one of these redistricting plans and then I'd like Legislative Counsel to opine as to whether or not he agrees.

CHAIRMAN GULDI:  
Okay. If I may, I have had occasion as a private attorney to review and read the actual decisions of voting rights cases, I once acted as counsel on a voting rights case and became familiar with the principles of law and the practices there. I also became familiar with the statistical analyses that are inherent in the process.

The fundamental principle of the Voting Rights Act that I believe must be complied with is that it is per se prohibited to take a minority/majority community and divide it, divide it across community lines in a manner that reduces that minority/majority community to less than a complete majority.

As I understand the map before us, and Legislator Crecca can correct me to the extent I'm wrong as to details or in substance, is that it divides the Latino community of fifty-two percent located in the Brentwood area into a forty percent minority community, Latino community. That act is in my opinion per se unlawful. I don't believe this map would last eight minutes in front of a Judge who's familiar with the law and has jurisdiction. And I also believe that we have a Judge who's familiar with the law and has jurisdiction.

So I cannot support the map to the extent it does that and I cannot move it forward from this Committee consistent with my oath of office.

LEG. CARACCILOLO:  
Okay. Legislative Counsel, could you give us your opinion based on your most recent review of the most recent case law?

MR. SABATINO:  
I think all of the proposals have potential problems. The Voting Rights Act is not a science, it's more of an art, but the statute itself states that you have to look at the totality of circumstances



and if the consequences or the effects, not the intent, but the consequences or the effect are to dilute the voting power of a minority group, you have a constitutional violation.

And testimony at the last set of hearings raised an issue which I hadn't heard before, quite frankly, and to me it's going to be subject to the facts, but with regard to Babylon, people came in and raised the question with regard to, on all of the maps, the dilution of the African-American vote. Now I don't know if their information is accurate or not, but that was the first that I had heard the issue raised in that Committee with regard to the Voting Rights Act.

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So at this particular juncture, I don't think we have a perfect plan in place. It's probably going to be up to the Federal Courts to decide what makes sense. I will say this, the Federal Court is not going to look at anything other than squares and boxes and compact communities, they're not going to look at addresses, they're not going to look at personalities, they're going to do it with a pristine, pure, you know, view of the world and it would probably have consequences, you know, across the board, not just limited to one community.

LEG. CARACCILOLO:

Would it be better than for the Legislature not to take up any of these resolutions and leave the matter which is currently being litigated in Federal Court and left up to a either a Federal Court Judge or a Master assigned by a Judge or would it be in the best interest of the people we all represent to approve one or all of these plans, at least to the extent we can here in this Committee, put them on the floor and let action take place or otherwise Tuesday so that the matter can then be adjudicated by the Federal Court?

MR. SABATINO:

I think Legislators have an obligation to at least try and exhaust all the possibilities to adopt the plan. I think it would be an abdication of responsibility to simply throw up your hands and say, no, we can't do it, let the Federal Court take over. By the same token, just to put a plan out there without a consensus is not going to advance the litigation.

I think there's a sense maybe that having bills floating around and having a multitude of them somehow influences the Federal Court. I don't think that's going to be the case. I think the one solace you can take in the process is that when the Federal Court does get involved, it kind of moves the process forward.

For example, the Congressional Districts from a year ago, people forget this, but that was basically the result of a special Master

imposing a plan and then the State Legislature said, wow, you know, somebody imposed a plan, let's make some changes.

So I mean it's not the end of the world to have the Federal Court get involved, because the Federal Court unlike the State Court treats the matter seriously and objectively, but by all means you should continue to pursue all the available possibilities and press as hard as you can to try to get some consensus but it's only a consensus bill that's going to influence the Court. If there are just bills floating around with six, seven, eight, nine, you know, less than the requisite number of votes, be it ten or twelve, that is not going to have, you know, an influence on the outcome of a Federal Court decision.

LEG. CARACCILO:

Just a follow-up, two follow-ups, actually. One with regard to comments made by the Chair about the dilution of certain hamlets and minority communities from the fifty-two percent actual represented in the community to somewhere in the area of forty percent.

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LEG. CRECCA:

May I answer that?

LEG. CARACCILO:

First I'd like to hear from Counsel.

MR. SABATINO:

I'm not familiar with the percentages, I have not been involved in that aspect of it, but the general principle would be that I mean if, if this fifty-two percent, which is being described, is truly a compact minority group and they don't violate normal district geographical boundaries to get to that compact district and it truly would be fifty-two versus forty, that would be problematical.

By the same token, if that fifty-two is an elongated or, you know, convoluted or not compact or not violative of geographical boundaries, then it wouldn't be a problem. My general sense is that you can get to, based on the little experience I've had with the commission, you appear to be able to get the fifty or fifty-one percent by doing what looks to be like a rectangle or a box. And I think to the extent that you can get there and you don't, you've got some issues with the Federal Court if somebody is going to challenge on that particular district.

CHAIRMAN GULDI:

And they are doing that.

MR. SABATINO:

And you may have the same problem if the testimony that was given at the hearing, I don't know if it's accurate testimony, but there are a group of people that got up and said there is a similar problem in the Town of Babylon, but with regard to the African-American community. Again, I don't know if what they stated is true, but it certainly raised a new issue, which I was not aware of until that hearing.

LEG. CARACCILOLO:

Okay. In the absence of one of these plans being favorably considered and approved not only by the Legislature but by the County Executive, in the absence of that taking place, what, in your opinion, is the timetable for bringing this matter to resolution?

MR. SABATINO:

As I've stated at the last two sessions, there is no statutory deadline, but there's what I call the chaos deadline, which is I, quite frankly, I said the first week of June would be the chaos deadline because all these bills are subject to an Executive public hearing process and review, you know, signing, vetoing, whatever, plus they're all subject to a forty-five day permissive referendum requirement.

So you've already pushed yourself well beyond what I believe are the party convention and calendar dates. When I say the chaos factor could kick in is you could wind up as I've stated previously where even if you arrive at consensus or the Federal Court winds up imposing the plan, you may be in a situation where County legislative candidates will be circulating petitions for office on a completely

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totally separate calendar and time than people running for the County Executive or Town or Judicial Officers.

So can you act later in the year and still make it work? With the assistance of the Federal Court you can, because the Federal Court has the ability to suspend all of the political calendars, but at that juncture you're in what I characterize as the chaos factor because now it's going to be very confusing to the electorate and very difficult for candidates to go out and do their business.

LEG. CARACCILOLO:

Now with respect to your comments earlier about the State legislative redistricting process that was last year, at the stage where it went to the Federal Courts, did the Federal Court then give the State Legislature one more opportunity to fix what it felt were the shortcomings or did it impose --

MR. SABATINO:

My recollection was they gave them a deadline. The deadline came and

went and the plan was in place, the maps were out there and then the phones started ringing between Washington and Albany and the rest of the State and a different -- this is for the Congressional Districts and a different congressional plan was ultimately adopted after the Court had imposed its version of what the districts should look like.

So you've got precedent for the Court either other imposing them or influencing the outcome, because then it causes people to come together at a later date.

LEG. CARACCILO:  
Thank you.

LEG. CRECCA:  
May I? With the Chairman's permission I just want to place since it did come up the percentages and the configuration of the minority district in the current 1247 bill. It's currently slightly over forty-two percent Hispanic, it's eighteen and a half percent African-American or Black. The voting patterns in the district are clearly democratic, which my understanding under the Vote of Rights Acts, a voting pattern history is one of the most key factors. The Voting Right Acts specifically does not speak of a, quote, majority/minority district, it talks about communities of interest.

In addition, if one were to examine the census defined community of Brentwood on the map, they would find that that, I think with the exception of 1-ED, which is split in half, all of Brentwood under that defined community is in this minority district as well all of C.I.

so again, I just -- I'm not trying to debate the bill, I'm just trying to answer some -- I'm answering some of the questions Legislator Caracciolo raised about the percentages and some of the comments made by Legislator Guldi, who I appreciate his opinion and I know he has some expertise or experience, I should say, it's probably a better word, in election law.

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I have had this reviewed by two separate attorneys, 1247, both of whom feel that the percentages and the lines clearly reflect defined communities and address some of the voting patterns and address the, even though you're not supposed to consider race, but it does address the communities from a Hispanic and a Black point of view.

With regard to the questions regarding the 14th Legislative District, with the dilution of the minority vote there, the 15th, I'm sorry, thank you, it actually is, it was following the recommendations I believe of the original commission, which said, which put all of Amityville into the 15th. Certainly, you know, I guess we could split Amityville, you know, between the White section and the Black section,

that has been suggested to me by the same people that have testified here at the public hearing and I -- my comment was I would refuse to look at solely as race as a factor when --

LEG. BISHOP:

How about voting patterns? Clearly, how about Village jurisdiction boundaries?

CHAIRMAN GULDI:

Legislator Crecca has the floor.

LEG. BISHOP:

I'm sorry.

LEG. CRECCA:

I've waited to comment. I'm just explaining what the thought was. And the thought was on the original Commission was, and I think it's good to get the intent on the record also as the drafter or the prime sponsor of the bill, the idea was to keep the Amityville community together, but I guess there's some opposition to, you know, they think it should be divided guess by --

LEG. CARACCILOLO:

By race.

LEG. CRECCA:

I guess there's no better way to say it, yes.

LEG. BISHOP:

And the fact that it has a different name?

LEG. CRECCA:

Mr. Chairman?

CHAIRMAN GULDI:

If you're done Legislator Crecca, Legislator Bishop.

LEG. CRECCA:

I am.

CHAIRMAN GULDI:

Legislator Bishop is actually next.

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LEG. CRECCA:

I'm happy to answer any specific questions.

LEG. BISHOP:

The specific question I have is regarding that point which you just raised. On the 15th Legislative District, I understand that your answer was you're following the recommendation, but what was the -- what is the impact of bringing the Village of Amityville together with a community separate and distinct known as North Amityville on the minority percentage in the 15th Legislative District?

LEG. CRECCA:

I'm just trying to follow the last part of the question.

LEG. BISHOP:

In other words, by bringing Amityville Village into the 15th, what is the minority percentage in the 15th pre and post, currently and after?

LEG. CRECCA:

What I can tell is the thought was, and I'm being very honest with you --

LEG. BISHOP:

You're not really answering.

LEG. CRECCA:

The answer is that I, first of all, I wasn't aware there was a significant distinction between North Amityville and South Amityville. And that said, honestly I thought, I really, having grown-up on the South Shore, but not being particularly, you know, that familiar with Amityville, I just thought Amityville was one community and we did it that way to answer that question and that was the idea behind it.

Certainly, you know, it was proposed that 1-ED from Amityville be put into the 15th, which I thought was -- didn't make any sense.

LEG. BISHOP:

Right.

LEG. CRECCA:

From a, you know, a neutral point of view. And some of those changes that were made on some of the other maps and you know what I'm talking about. So the feeling was, was either to keep all of Amityville in the 14th or not, and we chose not to because again there were population concerns, as you know the 14th was extremely heavy already population-wise. And the entire part of an entire community define as Amityville was seventy-three hundred I believe in eight population-wise and that number happened to work very well, especially in the original drafts, to get us to a target number in the 14th.

LEG. BISHOP:

Okay.

LEG. CRECCA:



If that answers your question.

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LEG. BISHOP:

It didn't, but it opened up other issues. I just want to inform you if you're confused, that Amityville is a separate Village and we on a regular basis appropriate funds to the Amityville Police Department, which does not go to the Suffolk County Police Department, which services North Amityville. So it's a very, you know, it's a legal distinction and it's a distinction that has long been in place.

Whether it should be reflected in the district line drawing, you know, I'm not certain, but the point raised by the people from North Amityville and Wyandanch is that they felt that inclusion of Amityville Village into the 15th had the effect and impact of diluting minority voting strength and that was the issue that I was raising. Thank you.

CHAIRMAN GULDI:

All right. We have a motion to discharge without recommendation.

LEG. FISHER:

I believe I was on the list.

CHAIRMAN GULDI:

Oh, excuse me, I turned the page is what I did. Hopefully you're the last one on the list, we'll see.

LEG. FISHER:

I have to go back to Counsel with a question regarding corrections on legislation that has occurred after public hearing. There were corrections made on 1247 and those corrections distinguish this particular resolution from the rest because these corrections occurred after the public hearing and these corrections are substantive in nature, if I'm not mistaken.

Counsel, can you tell me what the Charter, how the Charter provides for this kind of change once there has been a public hearing?

MR. SABATINO:

Okay. The standard is really case law, but the idea of a public hearing is to get information and how it impacts on legislation. And you can use information taken at a public hearing, as we always do, to make changes to legislation and that's totally appropriate.

The standard that the Courts have kind of set down is that it's okay as long as the, quote, final version of the local law does not substantially deviate from the subject matter under discussion at the public hearing, close quote.



So now the standard is that you can clearly take the testimony, that's the whole point of having the hearings, and then make changes, but the changes should be consistent with the subject matter of the bill and also the testimony that's given. So if changes were made, that would not be per se violative of the public hearing standard. I think that issue went more to the issue of maybe sponsors don't want to co-sponsor a bill because the changes go beyond where they are, but that's the general standard.

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LEG. FISHER:

Okay. Because there were, if I remember Mr. Jordan at the public hearing, his primary issue was the issue of dilution of their community and I don't believe that those were the changes that were made in 1247.

LEG. CRECCA:

Right.

LEG. FISHER:

And so the changes that were made in 1247 were really not based on the testimony that we heard at the public hearing, so it doesn't seem that the changes are -- come under what the Charter is stipulating.

MR. SABATINO:

I mean the standard is was there a substantial deviation from the subject matter. The subject matter was to reapportion eighteen districts. The testimony was with regard to the composition of those districts. The fact that the sponsors don't necessarily take into account the testimony of one particular group that gives testimony doesn't mean that other changes, therefore, become defective.

I mean I'd have to, my sense would be that the changes were consistent with the subject matter and I don't think the issue of the hearing from a legal standpoint would invalidate the action that was taken. I think the impact on those changes was more in terms of co-sponsorship and willingness to support the bill with those changes.

LEG. FISHER:

Paul, I have another question. There are on page six, two other plans, plan 1304, that was introduced by Legislator Crecca, and plan 1354, which was introduced by me. These are not eligible for a vote today because they have not had a public hearing yet.

MR. SABATINO:

That's correct. They need a public hearing and then you'd have to close the hearing. If you want to vote on the same day that you close the hearing, it will take a two-thirds vote instead of a simple

majority.

LEG. FISHER:

Okay. Then I hadn't considered that in my earlier remarks and I just saw that now as I look at page six. So I'm going to ask to table the other one rather than discharge them so that all five plans will be on the same footing at the same time.

CHAIRMAN GULDI:

Is that a motion to table on 1247, Legislator Fisher?

LEG. FISHER:

Yes.

LEG. BISHOP:

Second.

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CHAIRMAN GULDI:

Motion to table and second. On the motion, all those in favor?  
Opposed?

LEG. HALEY:

Opposed.

LEG. CRECCA:

Opposed.

LEG. CARACCILOLO:

Opposed.

CHAIRMAN GULDI:

1247 is tabled, four-three. (VOTE: 4-3-0-0) (OPPOSED: CRECCA, CARACCILOLO, HALEY) TABLED

1248. Adopting Local Law No. --2003, a Charter Law amending the Suffolk County Charter with respect to reapportionment of Suffolk County Legislative Districts (Plan II). (Tonna)

CHAIRMAN GULDI:

1248.

LEG. CARACCILOLO:

Motion to discharge without recommendation.

CHAIRMAN GULDI:

Motion to discharge without recommendation --

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

By Legislator Caracciolo. Motion to table by Legislator Fields.

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

Second the motion to table by Legislator Bishop. On the motion to table --

LEG. BISHOP:

Crecca.

LEG. CRECCA:

I'll second the tabling.

CHAIRMAN GULDI:

Second by Legislator Crecca. On the tabling motion, discussion? All those in favor? Opposed?

LEG. BISHOP:

Opposed.

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CHAIRMAN GULDI:

Tabled, six-one. (VOTE: 6-1-0-0) (OPPOSED: BISHOP) TABLED

1249. Adopting Local Law No. -2003, a Charter Law amending the Suffolk County Charter with respect to reapportionment of Suffolk County Legislative Districts (Plan III). (Fisher)

CHAIRMAN GULDI:

1249. Yet another reapportionment plan, Legislator Fisher.

LEG. CARACCILOLO:

Motion to discharge without recommendation.

CHAIRMAN GULDI:

Motion to discharge without recommendation by Legislator Caracciolo.

LEG. FIELDS:

Motion to table.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second of -- which one did you second?

LEG. FIELDS:  
Tabling.

CHAIRMAN GULDI:  
You seconded the tabling motion?

LEG. HALEY:  
Tabling motion I'm seconding.

CHAIRMAN GULDI:  
Motion to table by Legislator Fields, second by Legislator Haley. On the motion to table, roll call. Starting with Legislator Caracciolo. We'll start over here this time.

LEG. CARACCILOLO:  
No.

CHAIRMAN GULDI:  
No to table by Legislator Caracciolo. Legislator Bishop, to table?

LEG. BISHOP:  
Yes.

CHAIRMAN GULDI:  
Yes to table by Legislator Bishop. Legislator Crecca?

LEG. CRECCA:  
Yes to table.

CHAIRMAN GULDI:  
I'm going to vote no to table.

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LEG. FISHER:  
I just indicated that I want them to be on the same plan, so I'm going to support the tabling motion.

CHAIRMAN GULDI:  
Yes to table by Legislator Fisher. Legislator Fields?

LEG. FIELDS:  
Table, yes.

CHAIRMAN GULDI:  
And Legislator Haley?

LEG. HALEY:

Yes.

CHAIRMAN GULDI:

Tabled, five-two. (VOTE: 5-2-0-0) (OPPOSED: CARACCIOLO, GULDI)  
TABLED

1291. Rescinding authorizing to sell County owned property pursuant to Local Law 16-1976, Victor E. Pavelko, as Surviving Tenant by Joint Tenancy (0200-494.30-01.00-558.000) (County Executive)

CHAIRMAN GULDI:

1291. We didn't get the money?

MS. COSTIGAN:

That's correct. This was on before, you asked me to double check whether Mr. Pavelko had made his statements and what the status is with regard to his situation and the condominium and such like.

To the extent that facts are available to us, I can report that Mr. Pavelko, you had -- he originally held title his father. He says his father is dead, but he's been unable to produce a death certificate. He did pay the substantial part of the '95, '96 taxes, which is what he, this all started back in '95, '96. He never, however, paid the subsequently rolling taxes, so he is now in arrears as to the '01, '02 taxes and the '02, '03 taxes to the tune of about four thousand dollars.

And then in addition, during the occupancy of a house by an owner who isn't paying their taxes, we charge them a use and occupancy fee. He has not paid those fees, which now amount to some nine thousand dollars.

CHAIRMAN GULDI:

Are we, the County, paying the condo charges on this unit?

MS. COSTIGAN:

We are not. So the condo commenced litigation against the County and Mr. Pavelko seeking to foreclose and evict him.

CHAIRMAN GULDI:

When was that commenced, recently?

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MS. COSTIGAN:

Well, no. More than a year ago. The County was dismissed as a defendant because the County had not collected the condo charges, therefore, they have no liability to pay the condo charges.

CHAIRMAN GULDI:

And the County's tax lien can't be cut off by the condo other than by payment, is that correct?

MS. COSTIGAN:

That's correct. So when we do sell this, we will be paying the retroactive condo charges to that extent, plus repaying ourselves the amount of taxes and user and occupancy fees.

I would further note that in the event you pass this, we're not probably going to evict Mr. Pavelko, we're going to sell it with him in it eventually, which is what we do with most houses.

CHAIRMAN GULDI:

That's a series of straight lines there that I'll leave alone. Any questions by anyone?

MS. COSTIGAN:

And with his father in it, for all I know.

CHAIRMAN GULDI:

That was the straight line that I was going to leave alone.

LEG. CARACCILOLO:

How much are the common charges?

MS. COSTIGAN:

I'm sorry, the what?

LEG. CARACCILOLO:

The common charges?

MS. COSTIGAN:

I'm not familiar with the common charges. I have a recollection they're about six hundred dollars as well.

CHAIRMAN GULDI:

Six hundred dollars monthly?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Okay. Motion approve by myself.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Second. Discussion? All those in favor?

LEG. BISHOP:

This is on what? I'm sorry.

CHAIRMAN GULDI:

This is the rescind a Local Law 16 on the six years arrears on taxes and the condo that we tabled the last time. Motion by myself. Is there a second?

LEG. FISHER:

I already seconded it.

CHAIRMAN GULDI:

Sorry, I was distracted. Second by Legislator Fisher. Discussion? All those in favor? Opposed? Approved. (VOTE: 7-0-0-0) APPROVED

2101. Direct Budget Review to prepare leases database. (Fields)

CHAIRMAN GULDI:

2101.

LEG. FIELDS:

Motion to table.

MR. SABATINO:

That fell under the six-month rule.

CHAIRMAN GULDI:

That's stricken from the calendar under the six-months rule.  
STRICKEN

2105. Adopting Local Law No. -2002, a Charter Law to expand prior written notice of defective condition requirements. (County Executive)

CHAIRMAN GULDI:

2105.

LEG. BISHOP:

Table.

MR. SABATINO:

Same thing happened on this in terms of it's stricken under the six-month rule.

CHAIRMAN GULDI:

Stricken under the six-month rule. STRICKEN

2146. To establish limitation on contract agency/academic institution indirect costs. (Alden)



CHAIRMAN GULDI:  
2146.

LEG. CRECCA:  
Motion to table for the same reasons prior stated.

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CHAIRMAN GULDI:  
Motion to table by Legislator Crecca, second by myself. Discussion?  
All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

2210. Appropriating Start-Up Funds in connection with the  
reconstruction of C.R. 80, Montauk Highway, Shirley/Mastic, Town of  
Brookhaven (CP 5516) (County Executive)

CHAIRMAN GULDI:  
2210. Counsel, I don't recall why we tabled this.

MR. SABATINO:  
The problem with this bill is that it's been using 2002 money and it  
was never brought up to full speed.

LEG. CRECCA:  
Table subject to call.

CHAIRMAN GULDI:  
Motion to table subject to call. If the County Executive wants to  
give us a bill that's in adoptable form, he can either amend this one  
or file a new one. Second?

MR. SABATINO:  
Also, Legislator Towle had requested it be tabled at least one time

CHAIRMAN GULDI:  
Is there a second to my motion to table?

LEG. CARACCILOLO:  
Second.

CHAIRMAN GULDI:  
Legislator Caracciolo seconds the motion to table subject to call.  
All those in favor? Opposed? Tabled subject to call.  
(VOTE: 7-0-0-0) TABLED SUBJECT TO CALL

2233. Adopting Local Law No. -2002, a Charter Law to change the  
County Tax Stabilization Reserve Fund Policy. (Haley)

CHAIRMAN GULDI:

2233.

LEG. HALEY:  
Table.

CHAIRMAN GULDI:  
Motion to table by Legislator Haley, second by Legislator Fisher.  
Discussion? All those in favor? Opposed? Tabled.  
(VOTE: 7-0-0-0) TABLED

2252. To authorize and empower the audit of the Suffolk County  
Pharmacy Benefits Manager. (Bishop)

CHAIRMAN GULDI:  
2252. Legislator Bishop?

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LEG. BISHOP:  
I'll make a motion to discharge without recommendation.

CHAIRMAN GULDI:  
Motion to discharge without recommendation by Legislator Bishop.

LEG. FISHER:  
Second.

CHAIRMAN GULDI:  
Second by everyone, second by myself.

LEG. CRECCA:  
I'd ask for an explanation.

LEG. BISHOP:  
In the employee benefit health plan, this has nothing to do with the ongoing issue that they're dealing with there, this is that the pharmaceutical benefit manager on a national basis, these PBM's have engaged too often in a practice where they negotiate rebates and do not send a hundred percent of the rebate back to the vendor, vendee, as they are required to do by the contract. And what this sought to do was to do an audit to see if we were the victim of that too common practice.

There was objections by the EMHP Committee. I don't think they would have objected if it wasn't for the other issues that are ongoing and they saw this as part of an overall assault which it certainly is not. And they wrote to me saying please table it and we have, we have our own auditor.

The auditor that they selected, however, has been an expert in federal

cases where they took the side of the PBM's and testified that the practice is a legitimate one, which runs contrary to the very, you know, selecting them as our auditor raises alarm bells.

So I wrote to the Committee, the Benefits Committee pointing that out and they said they would get back to me. It has now been six weeks and I continually tabled this in anticipation of receiving a response. So, I would ask that we discharge it without recommendation. I want the answer, I'm not on some sort of witch hunt here, I just want to get to the bottom of it.

LEG. CRECCA:

Does Budget Review have a cost of the audit or an estimated cost of the audit? I think that was one of the concerns in the past too, wasn't it or am I thinking --

LEG. BISHOP:

That's the other bill.

MR. SPERO:

I'll check the fiscal impact statement.

CHAIRMAN GULDI:

Any other questions?

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LEG. HALEY:

Mr. Chairman, while we're waiting, I just have a request.

CHAIRMAN GULDI:

Legislator Haley. Excuse me, can I have order?

LEG. HALEY:

Just back to 2233. If the Budget Office can do me a favor and review that and provide me any comments, because I'm going to start moving that along.

MR. KNAPPE:

Certainly.

LEG. HALEY:

Thank you.

CHAIRMAN GULDI:

Anything on 2252 by anyone while we wait for Jim's computer?

LEG. CRECCA:

Why don't we do 2312 while we wait.

2312. Authorizing waiver of interest and penalties for property tax for Nick Poulos (SCTM No. 0200-686.00-04.00-019.000, 019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000).

LEG. FISHER:

I have some questions about that.

CHAIRMAN GULDI:

2312.

MR. SABATINO:

This has to be tabled because there are defects in the, everything.

LEG. FISHER:

Okay.

CHAIRMAN GULDI:

That's the one in Brookhaven that we're working on?

MR. SABATINO:

Yes. The tax maps don't reconcile with the dollar amounts, plus we still have the outstanding litigation.

LEG. FISHER:

May I ask a question about it anyway?

CHAIRMAN GULDI:

Certainly. A motion to table by myself.

LEG. FISHER:

I'll second it.

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CHAIRMAN GULDI:

The question is?

LEG. FISHER:

My question is we've been discussing with Real Estate 72-h's and the value of property that we're signing over and here we're talking about authorizing waiver of interest and penalties and I was wondering what would the value of this property be, Ms. Costigan?

CHAIRMAN GULDI:

I can answer that, if Ms. Costigan is not familiar with this particular parcel, nor should she be.

MS. COSTIGAN:

This isn't ours, I'm sorry.

CHAIRMAN GULDI:

This is about six acres in Eastport in my district, which is the site of a former duck processing plant. It was converted to what was, I'll call it an illegal solid waste transfer station. The estimate, basically it's six acres, if it were single family homes would be worth about six hundred thousand dollars, only about a hundred thousand dollars less than the accumulated taxes on it and about half of the estimated clean up cost on the parcel.

The reason that this resolution is before you on a waiver basis is because the public benefit to be derived from this waiver of interest and penalties to a contract vendee is so that they can clean the parcel. This parcel is also the subject of a Suffolk County Planning Department recommendation that was extraordinary, because when they, the proposed user brought it before the Suffolk County Planning Department, the Planning Department did not -- the Planning Commission did not merely endorse the prospect -- project, but sent it back to Brookhaven with the unusual suggestion that Brookhaven grant a more intense use of the property for the purposes that it was being dedicated to send, that is senior citizen condominium housing.

LEG. FISHER:

Okay. And I notice that it indicates here that it's affordable senior citizen housing.

CHAIRMAN GULDI:

Right.

LEG. FISHER:

Is it formally designated as affordable under HUD standards, is that part of the language that's being drafted?

CHAIRMAN GULDI:

I haven't looked at the ultimate use proposal, that detail. Legislator Towle brought it to me because there are -- there's some extraordinary deviations between surveys, the multiple lots, tax maps and tax bills, part of which is a result of the fact that Brookhaven during the prior ownership undertook some clean-up, emergency clean-up measures, which they assessed to the property as additional taxes, resulting in wild deviations in the primary tax available.

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The three things that I'm doing right now are as to the, with Legislator Towle, is getting the title search information for both parcels so that we can bring those with the tax -- all of the tax bills to reconcile the description and the tax information and also suggested to them that they reach out to Brookhaven for Brookhaven to consider a recision of the special assessment of clean up costs in

order to try to render the redemption on this parcel to be economic from their perspective.

This parcel, from the County perspective, the reason we have not taken this parcel for taxes, though it is many, many, many years passed our deadline is that once you own it, you own the clean up problem and it would create a huge liability.

LEG. FISHER:

Will the remediation bring it to the level where it's safe to build the housing?

CHAIRMAN GULDI:

The remediation that they proposed is in my opinion, actually I believe they've already got DEC approval, it is more than adequate. Although, in the remediation, like in any remediation project, you don't really know what you got until you dig it up. So they are -- the proposed user here is taking a very real and substantial risk given the nature of the past illegal use of the property.

LEG. FISHER:

Okay. But can I give you a fourth element to just keep there under your hat?

CHAIRMAN GULDI:

Great.

LEG. FISHER:

And that is that while you've certainly been involved in the initiative to create more affordable housing and you know that there's some abuse of too many PRC's going up in some areas and not having them as affordable housing for senior citizens, so if you can just keep that on your radar screen, that it truly be affordable housing for senior citizens.

CHAIRMAN GULDI:

My recollection is that we did have some discussion on that subject and the proposed market price on this is so vastly below the average similar development for the East End that it would strike --

LEG. FISHER:

Okay.

LEG. CARACCILO:

Where exactly is this located?

CHAIRMAN GULDI:

This is the Old Eastport Duck Farm. When you cross behind Citarelli's Deli across the railroad tracks, you have the Long Island Feeds on the east side of the road and you have this plant, which most recently was

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warehousing garbage on the west side of the road. This developer, as a contract vendee, and what they're sending over him is the already done substantial work at the property.

LEG. CARACCIOLO:

I note it's in your district, but it's not sponsored by you. Why?

CHAIRMAN GULDI:

Legislator Towle sponsored it and I believe I'm a co-sponsor on it. I'm working with him, I have no objection to it.

LEG. HALEY:

He wants to table it.

CHAIRMAN GULDI:

It is a motion to table, but my colleagues are looking for information.

LEG. FISHER:

We had questions on it.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN GULDI:

When is this -- when is the six-month rule? We have some time still, don't we, Counsel? All those in favor to tabling? Opposed?

MR. SABATINO:

Yes.

CHAIRMAN GULDI:

Tabled. (VOTE: 7-0-0-0) TABLED

CHAIRMAN GULDI:

Introductory Resolutions. We can now begin the fresh portion of the agenda before noon. 2252, Jim did you find the fiscal impact statement?

MR. SPERO:

We don't have a specific cost. The Audit Committee would have to solicit --

LEG. BISHOP:

Discharge without recommendation.

MR. SPERO:



Solicit proposals from various audit firms to get the audit.

LEG. CRECCA:

I'm going to just ask that Budget Review have some at least preliminary numbers of what the audit would cost by Tuesday. And with that request, I will support the discharge without recommendation motion to get it to the floor.

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CHAIRMAN GULDI:

All those in favor of the discharge without recommendation? All those in favor?

LEG. CARACCILOLO:

Opposed.

CHAIRMAN GULDI:

Opposed by Caracciolo. (VOTE: 6-1-0-0) (OPPOSED: CARACCILOLO)  
DISCHARGED WITHOUT RECOMMENDATION

LEG. BISHOP:

He doesn't want to know the truth.

CHAIRMAN GULDI:

David, stop. Stop or we'll have to start calling you pejorative names on the record.

LEG. BISHOP:

We did that yesterday.

## INTRODUCTORY RESOLUTIONS

### REAL ESTATE

1328. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. 0500-491.00-03.00-026.000 pursuant to Section 40-D of the Suffolk County Tax Act. (County Executive)

CHAIRMAN GULDI:

1228.

LEG. FISHER:

That's 1328.

CHAIRMAN GULDI:

1328.

LEG. CRECCA:  
Motion.

CHAIRMAN GULDI:  
Ms. Costigan?

MS. COSTIGAN:  
This was due to lack of notice, all open taxes have been paid.

CHAIRMAN GULDI:  
Motion to approve and place on the consent calendar by Legislator  
Haley, second by Legislator Fisher. All those in favor? Opposed?  
Approved and on the consent calendar.  
(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

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1333. Authorizing the sale, pursuant to Local Law 16-1976, of real  
property acquired under Section 46 of the Suffolk County Tax Act,  
Cellia Roberson and Roy J. Roberson Sr. (0100-040.00-01.00-140.000).  
(County Executive)

LEG. HALEY:  
Mr. Chairman, I'd like to make the same motion on 1333, 34, 35, 36, 37  
and 38, Local Law 16's.

CHAIRMAN GULDI:  
Are these all lack of notice, Ms. Costigan?

MS. COSTIGAN:  
I'm just checking. There is nothing unusual that I can tell you of.

CHAIRMAN GULDI:  
Yeah, I know, but if any of them is other than lack of notice, I'd  
like to know.

MS. COSTIGAN:  
No, no.

CHAIRMAN GULDI:  
Okay.

LEG. CRECCA:  
Second.

CHAIRMAN GULDI:  
Same motion, same second, same vote on 1333.  
(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1334. Authorizing the sale, pursuant to Local Law 16-1976, of real

property acquired under Section 46 of the Suffolk County Tax Act, Jodi Rios (0200-958.00-04.00-029.000) (County Executive)

CHAIRMAN GULDI:

Same motion, same second, same vote on 34.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1335. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Michael Pecoraro, Jr., and Michelle Pecoraro, his wife (0200-974.80-06.00-026.000). (County Executive)

CHAIRMAN GULDI:

Same motion, same second, same vote on 35.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1336. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Edward A. Jaeggi, Successor Executor of the Estate of Helen S. Jaeggi (0208-024.00-03.00-012.000). (County Executive)

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CHAIRMAN GULDI:

Same motion, same second, same vote on 36.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1337. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, ZZH West Islip Corp. (0500-455.00-01.00-062.000). (County Executive)

CHAIRMAN GULDI:

Same motion, same second, same vote on 37.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1338. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Manuel C. Gavales (0600-092.00-03.00-054.002). (County Executive)

CHAIRMAN GULDI:

Same motion, same second, same vote on 38.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1339. Sale of County-owned real estate pursuant to Local Law 13-1976, Joseph L. Schreiber and Paula T. Schreiber, his wife (0500-175.00-01.00-100.000). (County Executive)

LEG. HALEY:

And, Mr. Chairman, can we do the same on 39.

CHAIRMAN GULDI:  
We need to on 39 --

LEG. HALEY:  
Through 44?

MR. SABATINO:  
On the record, those were all redemptions, so there's no concern about those.

CHAIRMAN GULDI:  
Those are all redemptions, right.

LEG. HALEY:  
Same motion on 1339 through 40, 41, 42, 43 and 44.

CHAIRMAN GULDI:  
Okay. I have same motion by Legislator Haley. Local Law 13's. I feel constrained, however, to put the prices and the names on the record. 1339 is to Joseph Schreiber and Paula Schreiber, Town of Brookhaven. One bid for nine thousand and one dollars. What was the appraised value?

MS. COSTIGAN:  
Eighty-three hundred dollars.

CHAIRMAN GULDI:  
On the motion, all those in favor? Opposed? Approved and placed on the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

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LEG. CARACCILOLO:  
You sure that was Brookhaven?

CHAIRMAN GULDI:  
0500.

LEG. FISHER:  
That's not Brookhaven.

MR. SABATINO:  
Southold.

CHAIRMAN GULDI:  
Southold, I'm sorry.

1340. Sale of County-owned real estate pursuant to Local Law 13-1976, Desmond Dsouza (0100-079.00-01.00-008.000). (County Executive)

CHAIRMAN GULDI:

1340. Sale of County-owned real estate pursuant to Local Law 13.  
This is Desmond Dsouza.

MS. COSTIGAN:

The appraised value was five thousand and the purchase price was  
fifty-one hundred dollars.

CHAIRMAN GULDI:

On the motion, all those in favor? Opposed? Approved and placed on  
the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1341. Sale of County-owned real estate pursuant to Local Law 13-1976,  
Desmond Dsouza (0100-083.00-02.00-117.000). (County Executive)

CHAIRMAN GULDI:

1341 is the same adjoining lot?

MS. COSTIGAN:

Yes. The appraised value was four thousand, the purchase price was  
forty-one hundred.

CHAIRMAN GULDI:

One bid received?

MS. COSTIGAN:

There were three potential bidders.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved.  
(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1342. Sale of County-owned real estate pursuant to Local Law 13-1976,  
Russell W. Kerr (0200-975.00-02.00-040.000). (County Executive)

CHAIRMAN GULDI:

1342. Russel Kerr.

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MS. COSTIGAN:

Appraised value is six thousand, the bid was six thousand four  
dollars. There were four potential bidders.

LEG. HALEY:

All those in favor? Opposed?

CHAIRMAN GULDI:

Pardon me, Mr. Haley?

LEG. FISHER:

All those in favor? Opposed?

CHAIRMAN GULDI:

Oh, I didn't hear what you said, you're slowing down the process here.

All those in favor? Opposed? Approved and placed on the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1343. Sale of County-owned real estate pursuant to Local Law 13-1976, Kathleen Ennesser (0200-975.90-05.00-014.000). (County Executive)

CHAIRMAN GULDI:

1343. Kathleen Ennesser.

MS. COSTIGAN:

Appraised value was three thousand, the purchase price was three thousand. There were two potential bidders.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved and placed on consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1344. Sale of County-owned real estate pursuant to Local Law 13-1976, Edward C. Krayewski and Argelia Krayewski, his wife (0200-189.00-07.00-018.000) (County Executive)

CHAIRMAN GULDI:

1344. Edward Krayewski.

MS. COSTIGAN:

And Argelia Krayewski. The appraised value is three thousand, the winning bid was forty-five hundred dollars.

CHAIRMAN GULDI:

Same motion, same second, same vote. Approved and placed on the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1364. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, Suffolk County Tax Map No. 0100-165.00-01.00-094.001 and 0100-165.00-01.00-094.002 BOTH N/K/A P/O 0100-165.00-01.00-094.003 pursuant to Section 40-d of the Suffolk County Tax Act. (County Executive)

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CHAIRMAN GULDI:

1364 is certificate of abandonment for the Town of Babylon. The reason for this abandonment, Ms. Costigan?

MS. COSTIGAN:

Due to lack of notice, the notice went to the prior owner.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Haley, second by Legislator Caracciolo. All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1365. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, Suffolk County Tax Map No. 0100-169.00-02.00-051.000 pursuant to Section 40-D of the Suffolk County Tax Act. (County Executive)

CHAIRMAN GULDI:

1365.

LEG. CRECCA:

Same motion.

CHAIRMAN GULDI:

Same motion. This is, again, this is Town of Babylon.

MR. SABATINO:

This is Amityville. Special State legislation for a church, that's the basis.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved and placed on the consent.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1366. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Sundarajan Jayachandran and Premela Jayachandran, his wife (0500-019.01-01.00-086.000) (County Executive)

CHAIRMAN GULDI:

1366.

LEG. HALEY:

Mr. Chairman, I make a motion to approve and place on the consent calendar, 1366, 67, 68, 69.

LEG. CRECCA:

Second.



CHAIRMAN GULDI:

We'll get there, Marty. These are all redemptions of right?

MS. COSTIGAN:

These are all normal, timely filed redemptions of prior owners.

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CHAIRMAN GULDI:

On the motion on 1366, All in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1367. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Jahanshah Kerendian and Jamshid Kerendian (0500-120.00-03.00-074.000). (County Executive)

CHAIRMAN GULDI:

Same motion, same second, same vote on 1367. All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1368. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, R-Three Investors (0500-271.00-03.00-018.010) (County Executive)

CHAIRMAN GULDI:

1368. R-Three Investors. Same motion, same second. All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1369. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, William Donaldson Fick, Jr. And Gale M. Fick, his wife (0500-278.00-03.00-016.000). (County Executive)

CHAIRMAN GULDI:

1369. That's William Donaldson Flick, Jr, and Gale --

LEG. FIELDS:

Fick.

CHAIRMAN GULDI:

Fick. Same motion, same second, same vote. Approved and placed on the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

## FINANCE

1326. To readjust, compromise and grant refunds and chargebacks on

correction of errors/County Treasurer by: County Legislature #167.  
(County Executive)

1327. To readjust, compromise and grant refunds and chargebacks on  
real property of errors by: County Legislature. (County Executive)

1329. To readjust, compromise and grant refunds and chargebacks on  
correction of errors/County Treasurer by: County Legislature #168.  
(County Executive)

1330. To readjust, compromise and grant refunds and chargebacks on  
correction of errors/County Treasurer by: County Legislature #169.  
(County Executive)

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1331. To readjust, compromise and grant refunds and chargebacks on  
correction of errors/County Treasurer by: County Legislature #170.  
(County Executive)

1332. To readjust, compromise and grant refunds and chargebacks on  
real property correction of errors by: County Legislature. (County  
Executive)

CHAIRMAN GULDI:

Moving right on to Finance. 1326. These are ministerial, are they  
not, Ms. Costigan?

MS. COSTIGAN:

They're not mine.

MR. SABATINO:

They are. These are all from the Treasurer's Office. 26 dealt with  
the Job Development Authority from the State owning the property. 27  
was three different towns with basic problems on -- they made errors  
on the partial exemptions. And 1329 was Babylon where a church owned  
the property and there was mistake on the tax.

LEG. HALEY:

I make a motion to approve and place on the consent calendar 26, 27,  
29, 30, 31 and 32.

LEG. FISHER:

I'll second.

CHAIRMAN GULDI:

We can do those as a group. All those in favor? Opposed? 1326,  
1327, 1329, 1330, 1331 and 1332 are all approved and placed on the  
consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

## OTHER

1304. Adopting Local Law No. --2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan IV). (Crecca)

CHAIRMAN GULDI:

1304. Table for public hearing. Motion by Legislator Crecca, second by myself. Discussion? All those in favor? Opposed?  
(VOTE: 7-0-0-0) TABLED

1306. Authorizing certain technical corrections to adopted Resolution No. 1189-2002. (County Executive)

CHAIRMAN GULDI:

1306. Technical corrections.

MR. SABATINO:

1306 is -- well, it's basically a State -- I'm sorry, it a previous resolution from 2002 which dealt with 1.15 million dollars in the State Department of Agricultural Grant. The County at the first instance funded and apparently there was a mistake with the numbers.

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And actually, the mistake was with the method of financing.

CHAIRMAN GULDI:

Yeah, they bonded it instead of grant or they were going from a grant to a bond here is my question, and is that truly a technical correction, if it went the wrong way?

MR. SABATINO:

Well, it's substantive in concept, but it's technical in the sense that clearly what the State was proposing was for the County in the first instance fund the money, which meant this should have been shown that way as opposed to a direct grant.

CHAIRMAN GULDI:

Yeah, so what we did, what we did in the past resolution was we approved hundred percent State grant and this bond -- this resolution by technical correction converts that to a serial bond, which I frankly consider to be largely substantive.

MR. SABATINO:

As I say --

CHAIRMAN GULDI:

It's the difference between borrowing the money for thirty years and our money. Jim, do you have something to clarify on this one?

MR. SPERO:

Well, if we're going to switch it to serial bonds, don't we need a bond resolution?

CHAIRMAN GULDI:

Yeah. I would think we would need a bond resolution. And I'd like to also look back, since we don't have it here, see what the program was for, since it's not -- oh, here it is.

MR. SABATINO:

It was farmland preservation.

CHAIRMAN GULDI:

Appropriating seventy-five percent grants from New York State for agricultural grants. Is someone from the County Exec's Office familiar with this?

LEG. FISHER:

Here he comes.

CHAIRMAN GULDI:

Tell me why, and whether we're going to get the money back.

MR. KNAPPE:

Good afternoon. First to answer the question as far as serial bonds, if a serial bond is needed, which I believe it is for this all to be at the General Meeting, just as is the case with all other serial bonds. And I believe the change was requested from the Comptroller's Office to have this done in serial bonds rather than shown as State aid so we can go out and bond and get the money back and pay off the

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bonds.

CHAIRMAN GULDI:

We're still getting the money back?

MR. KNAPPE:

Yes.

CHAIRMAN GULDI:

Okay. Motion to approve by myself, second by Legislator Fields. Discussion? All those in favor? Opposed. That's approved, but not on the consent calendar. That one we should take to the floor.  
(VOTE: 7-0-0-0) APPROVED

1307. Authorizing certain technical correction to adopted Resolution No. 1191-2002. (County Executive)

CHAIRMAN GULDI:

1307. A technical correction.

MR. SABATINO:

It's the same issue as the one before, but a different resolution.

It's also --

CHAIRMAN GULDI:

Another two million five. Same motion, same second, same vote. Let's bring this to the floor. (VOTE: 7-0-0-0) APPROVED

CHAIRMAN GULDI:

1317 we already approved and placed on the consent calendar.

1318. Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Civil Service/Human Resources (Information Services Project Manager). (County Executive)

CHAIRMAN GULDI:

1318. Chris, what's that?

LEG. CRECCA:

No fiscal impact.

CHAIRMAN GULDI:

Let's find out what they're talking about.

MS. COSTIGAN:

Bob Donnelly is our Director for --

CHAIRMAN GULDI:

You need to use the microphone.

MR. DONNELLY:

Good morning. I'm Robert Donnelly, Director of Information Services. Thank you for letting me appear this morning. I am making a request for a two salary step increase from a grade 29 to 31 for an employee who has been with us for seven years and has essentially been

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performing Project Manager functions for at least six of those seven years.

I'll point out that over the last two years alone, he has been responsible for bringing on-lines, you will hear me say this frequently in this regard, on time and on budget the Department of Public Works Fleet Management System, the Treasurer's Tax History

System.

He's currently developing a system called CAMERA, a case management tool for the Health Department. He was instrumental in bringing forward the Capital Tracking System at the Legislature's request and we've been working closely with the County Executive on that.

Most importantly, he was also responsible for bringing in-house, this was a system that was handled by a contract firm, it saved the County four hundred thousand dollars a year, and that's the worker's compensation system, which went on-line at the end of last year.

I think this is truly a fair and right thing to do for this particular individual. I'll be glad to answer any questions that you might have in that regard.

LEG. BISHOP:  
Motion.

LEG. CRECCA:  
Second.

CHAIRMAN GULDI:  
One thing I would like to -- someone to address to this Committee, since you raised it, is the Worker's Compensation Program, because of the very substantial fines and penalties we pay for late payment and performance and that I'd like someone to give us an update and report on how this system is working in terms of timeliness of our payments since it's been implemented.

MR. DONNELLY:  
I will certainly provide that to you on a more formal basis.

CHAIRMAN GULDI:  
Why don't you provide it to me directly in writing and if we need a presentation --

MR. DONNELLY:  
I can tell you it's great, but we'll put that in writing.

CHAIRMAN GULDI:  
Provide it directly to me in writing. Any questions on this step? I would like you to identify the recipient of the two-step increase for the record.

MR. DONNELLY:  
One Raymond Gontasz, G-O-N-T-A-S-Z.

CHAIRMAN GULDI:

How many dollars does the two steps represent?

MR. DONNELLY:

Approximately five thousand.

CHAIRMAN GULDI:

Okay. Any other questions? All those in favor? Opposed?

(VOTE: 7-0-0-0) APPROVED

LEG. FISHER:

Mr. Chair, I have a question for the County Executive's representative. Yesterday at ELAP you said you were going to bring this question forward to today's Ways & Means Committee regarding the bonding of the equipment for the Health Department?

CHAIRMAN GULDI:

Actually --

MR. KNAPPE:

I'll have to ask the Committee to elaborate, because I wasn't at that Committee.

CHAIRMAN GULDI:

You weren't at ELAP. Jim, I asked you, we were talking about using BANS, bond anticipation notes for short-term to effectuate savings. And, in fact, we had a reso before us that directed serial bonds and under the circumstance, BANS might have been appropriate for it. The question we wanted to develop was policies so that the flexibility to avail veil ourselves of BANS when and as appropriate would be inherent in our system or either incorporated as a matter of course in our legislation. Did you have time to address that overnight, Jim?

MR. SPERO:

I did. And if we do a five year bond, the interest costs would be about thirty-six thousand dollars. If we do a rolling BAN and pay the principal off over a four-year peered at twenty-five percent each year, the interest costs would be about ten thousands dollars less over the five-year peered.

CHAIRMAN GULDI:

Or about a third?

MR. SPERO:

Correct. That's at current interest rates.

CHAIRMAN GULDI:

That's at current interest rates. The issue came up in connection with that and the discussion was whether or not the, and Counsel weighed in on this, as to whether or not the serial bond authorization



permits the use of BANS or if you need specific authorizing language or a County-wide policy with respect to using BANS to fulfill bond obligations. I don't know if that would be possible.

MR. SABATINO:

To do a BAN, you have to make reference to the BAN. Once in a while

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we see those resolutions I think in the context, though, some of the engineering projects, but more importantly, the people that are borrowing are basing it on the reputation in the resolution, and that resolution says serial bonds shall be issued in the amount of, serial bonds are not bond anticipation notes.

CHAIRMAN GULDI:

So the reso that came out of ELAP yesterday was to approve funding for --

LEG. FISHER:

Did it come out?

CHAIRMAN GULDI:

No, we tabled it.

MR. SABATINO:

It was tabled to allow an opportunity for an analysis to be done and then a corrected copy.

CHAIRMAN GULDI:

Yeah. If you could do a corrected copy on the equipment in the ELAP, I think that the support was there to do it if you financed it with the --

MR. KNAPPE:

Now you are beyond the deadline.

CHAIRMAN GULDI:

Right. But they can do that since it's a bond anyway, the votes criteria is the same. The votes were there in substance to approve the equipment purchases, but not the finance mechanism. Even though BAN's might have been anticipated, they weren't authorized.

MR. KNAPPE:

I know normally our practice is for project in that case to do five year serial bonds for it, but if we're going in the direction of BAN's for the future --

CHAIRMAN GULDI:

Yeah, we need to begin to throw --

MR. KNAPPE:

I'll take that back to--

CHAIRMAN GULDI:

If you through serial bonding or BAN approvals alternatively in the resolution whichever is more cost effective, you could --

LEG. FISHER:

It gives you flexibility.

CHAIRMAN GULDI:

-- have the flexibility, but when BAN's are a third less expensive than serial bonds for five year projects, it is not fiscally prudent for us to be using the wrong one.

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MR. KNAPPE:

Correct. I'll take that back to --

LEG. CARACCILOLO:

Mr. Chairman, were you informed that the Committee raised this issue and that we requested either by five clock, which we were told it would be unlikely since it was 3:30 when the issue came up, a corrected copy, or the Committee then said as an alternative a CN for next Tuesday, were you made aware of that at all?

MR. KNAPPE:

I was made aware of it this morning when I walked into this meeting. Basically I don't have time to --

LEG. CARACCILOLO:

Are you prepared to respond whether or not there will be a CN Tuesday?

MR. KNAPPE:

No. I am not in that position to respond.

LEG. CARACCILOLO:

Well, it's tabled then.

MR. KNAPPE:

I understand that.

CHAIRMAN GULDI:

Thank you for reminding of that, Legislator Fisher. We're up to 1319.

LEG. FISHER:

Alzheimer's.

1319. Authorizing the use of Gardiner County Park Property by the Long Island Alzheimer's Foundation for their Pet-Walk Fund-raiser.  
(County Executive)

CHAIRMAN GULDI:

I thought you were referring to me for just a moment there.

LEG. FISHER:

There's someone here from the foundation. That's why I was asking --

MS. GALLATIN:

Yes, I am.

LEG. FISHER:

Yes. Actually the reason I had asked the Chair before the beginning of the meeting was that generally the public portion is before the meeting and so you usually fill out a card. That's what I had been trying to ask before the beginning of the meeting during the public portion.

MS. GALLATIN:

I'm sorry, Legislator, I didn't understand.

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LEG. BISHOP:

We're sorry for you, you had to stay around.

MS. GALLATIN:

Well, but it was very interesting.

CHAIRMAN GULDI:

For you? What do you have going on at home?

LEG. FISHER:

We're trying to give you that consideration so you wouldn't have had a three hour wait here.

MS. GALLATIN:

Thank you very much. First of all, let me introduce myself. My name is Pattie Gallatin and I'm the Director of special events at Long Island Alzheimer's Foundation. And I'M here at your request regarding our permit application to use Gardiner County State Park for Sunday --

LEG. FIELDS:

County Park.

MS. GALLATIN:

County Park, sorry. On Sunday, September 14th, for a Pet-Walk

Fund-raiser. This is the second year we're hosting this event. Last year we used Blydenburgh County Park, which is not available this year for use as a Pet-Walk fund-raiser, so the Suffolk County Department of Parks suggested we look at Gardiner and it suits our needs, so we put in our application.

Last year we had a hundred and twenty-five attendees at this event and the funds raised from this event are specifically earmarked to our adult daycare center for pet therapy and or cognitive stimulation programs.

We request your approval to use Gardiner County Park and I'm happy to answer any questions you may have.

CHAIRMAN GULDI:

Any questions? Legislator Caracciolo's question referred to the bill. The payment is two hundred and fifty dollars for the use of the park.

LEG. FIELDS:

Motion to approve.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Motion to approve by --

LEG. CARACCIOLO:

What was the procedure for the cleanup afterwards?

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MS. GALLATIN:

The staff and the volunteers stay after to make sure that the park is left in the condition in which it was found. And actually, last year the staff was there and raked all the trails and made it even more presentable than what we found last year.

CHAIRMAN GULDI:

Did you charge us for that?

MS. GALLATIN:

No, we didn't.

CHAIRMAN GULDI:

Motion by Legislator Fields, second by Legislator Fisher. Discussion? All those in favor? A motion to approve and place on the consent calendar, I presume. All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 6-1-0-0) (ABSENT: HALEY) APPROVED CONSENT CALENDAR

CHAIRMAN GULDI:

I'm glad you enjoyed the show. I presume it was worth the price of admission.

MS. GALLATIN:

Well, just a past experience, once upon time I was a loaned Executive to the United States Congress Ways & Means Committee, so this brought back a lot of fond memories. So thank you very much and thanks for your consideration of our request.

CHAIRMAN GULDI:

Thank you. 1348.

1348. Making certain technical corrections to Resolution No. 186-2003. (Tonna)

CHAIRMAN GULDI:

This is --

MR. SABATINO:

It takes sixteen thousand five hundred thirty-six dollars of Family Service League money and reallocates it within the same agency.

CHAIRMAN GULDI:

Family Service. Motion to approve and place on the consent calendar by myself.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Fisher. All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 6-1-0-0) (ABSENT: HALEY) APPROVED CONSENT CALENDAR

1349. Authorizing the sale of surplus County cars to the Hauppauge School District. (Crecca)

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CHAIRMAN GULDI:

1349. Legislator Crecca. Motion to approve and place on the consent calendar by Legislator Crecca, second by myself. Two cars, two hundred dollars apiece. All those in favor? Opposed?

LEG. CARACCILOLO:

What's the miles?

CHAIRMAN GULDI:

Miles are ninety-six thousand and a hundred and two thousand respectively on a four-door sedan and a pickup truck, 1994 and 1995.

LEG. CRECCA:

It's a bargain for the County.

CHAIRMAN GULDI:

Further discussion? All those in favor? Opposed? Approved.

(VOTE: 6-1-0-0) (ABSENT: HALEY) APPROVED CONSENT CALENDAR

1354. Adopting Local Law No. -2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan V). (Fisher)

CHAIRMAN GULDI:

1354.

LEG. FISHER:

Motion to table for public hearing.

CHAIRMAN GULDI:

Motion to table for public hearing by Legislator Fisher, second by Legislator Crecca. Discussion? All those in favor? Opposed?

(VOTE: 6-1-0-0) (ABSENT: HALEY) TABLED

LEG. FISHER:

I have one question. I just have a request for the Presiding Officer's Office. I would like to have the large maps be placed on display in the lobby so that the public -- and I would like that in the morning, so that it's there before the public portion. Thank you.

LEG. CRECCA:

Is that on all maps or just on the two that are for public hearing?

CHAIRMAN GULDI:

It should just be on the two for public hearing.

LEG. FISHER:

The two for public hearing.

CHAIRMAN GULDI:

Otherwise, somebody will be testifying about one of the other maps.

1357. Directing Office of Legislative Budget Review to audit legislative vehicles. (Caracciolo)

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CHAIRMAN GULDI:

1357.

LEG. CARACCILOLO:

Motion to approve.

CHAIRMAN GULDI:

Motion by Legislator Caracciolo. How do you audit a vehicle? I know how you audit books and records.

LEG. FISHER:

Look at the odometer.

LEG. CARACCILOLO:

It's really a request for a report from the BRO as to whether or not every legislative vehicle that's assigned falls within their recommendations of twelve thousand miles a year and all mileage, which would make them cost effective for assignment. And if they're not cost effective, then I'll file a resolution to reassign those vehicles elsewhere in the County fleet.

CHAIRMAN GULDI:

For a minute there I was worried, Mike, you were going to pick through my car, count the coffee cups and see how much I'm spending on coffee. Comment by Budget Review or Counsel on this? There was a motion, is there a second? Is there a second on the motion?

LEG. CARACCILOLO:

Of course not, we never police ourselves.

LEG. FIELDS:

I'll second.

CHAIRMAN GULDI:

Second by Legislator Fields. Of course not, ha, ha, take that. Further discussion on the motion? All those in favor?

LEG. CARACCILOLO:

Roll call.

CHAIRMAN GULDI:

Roll call by Legislator -- demanded by Legislator Caracciolo.

LEG. FISHER:

Why don't we do all those in favor, opposed?

CHAIRMAN GULDI:

You get the same result. All those in favor? All those opposed? What do you know, you got one, Mike. Approved. Six-zero.  
(VOTE: 6-1-0-0) (ABSENT: HALEY) APPROVED

1358. Authorizing transfer of surplus County motorized wheelchair to



Maryhaven Center of Hope. (Fisher)

CHAIRMAN GULDI:  
1358.

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LEG. FISHER:  
Motion to approve.

CHAIRMAN GULDI:  
Motion by Legislator Fisher.

LEG. FISHER:  
To approve and place on the consent calendar.

CHAIRMAN GULDI:  
Second by myself. Discussion? Could you, a brief explanation.

LEG. FISHER:  
Okay. I'll let Counsel do it, or would you like me to?

CHAIRMAN GULDI:  
Since I don't have the bill in my book.

MR. SABATINO:  
It's transferring a --

LEG. FISHER:  
It was a wheelchair that DPW had for somebody who needed it.

CHAIRMAN GULDI:  
It's transfer of one wheelchair?

MR. SABATINO:  
One wheelchair to the Maryhaven Center of Hope.

CHAIRMAN GULDI:  
All those in --

LEG. FIELDS:  
Wait, wait, wait, I have a question. Why wouldn't we put this over at John J. Foley or in our own health centers where, by the way, our health centers are not even compliant with the Disabilities Act?

CHAIRMAN GULDI:  
We don't even comply with ADA at the health centers.

LEG. FIELDS:  
At the health centers. So I don't understand why we would take something that we own here and give it -- I mean it's very nice that

we would give it to Maryhaven, but have we entertained the fact that maybe we could use it in our own --

CHAIRMAN GULDI:

Is that a motion to table for one cycle to see if it's needed somewhere else?

LEG. FISHER:

I believe that DPW had inquired as to other County facilities that might be able to use it and it was almost as if they couldn't find somebody to take it off their hands. And Maryhaven Center of Hope did have a need for a motorized wheelchair. It is a not-for-profit, as we

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know, and there was a need that was articulated and so I was -- I helped to articulate it by introducing this resolution.

CHAIRMAN GULDI:

Any further discussion? No other motions? All those in favor of approval and placed on the consent calendar? Opposed? Approved and placed on the consent calendar. (VOTE: 6-1-0-0) (ABSENT: HALEY)  
APPROVED CONSENT CALENDAR

1363. Establishing County policy for internet screening. (Postal)

CHAIRMAN GULDI:

1363. What's this.

LEG. FISHER:

Explanation.

LEG. CRECCA:

Just so everyone knows, this bill excludes the legislature, because we supposedly have our own monitoring system. I just want to make everybody aware of that. That's the only County agency that's excluded.

MR. SABATINO:

What the bill does is it calls for an extension of what's being done in the Legislature for all the County departments.

CHAIRMAN GULDI:

Motion to table at the request of the sponsor, that's right, I got a little note here I didn't see. Motion to table by myself, second by?

LEG. FISHER:

I'll second it.

CHAIRMAN GULDI:

Legislator Fisher. All those in favor? Opposed? Tabled.  
(VOTE: 6-1-0-0) (ABSENT: HALEY) TABLED

1394. Amending the 2003 Capital Budget and Program and appropriating funds in connection with the acquisition of Fiber Cabling Network and systems upgrades (CP1726). (County Executive)

CHAIRMAN GULDI:  
1394.

LEG. CARACCILOLO:  
Explanation.

CHAIRMAN GULDI:  
Explanation.

MR. SABATINO:  
This is going to be changing the method of financing. It will take a three quarters vote. It's going to go from Pay-As-You-Go to bonding and it will be the fiber-optic network system in the Cohalan Court Complex and Riverhead and Yaphank.

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LEG. CARACCILOLO:  
Jim?

CHAIRMAN GULDI:  
Serial bonding or --

MR. SABATINO:  
It's converting it from Pay-As-You-Go under that one-year extension of the moratorium we have on the 5-25-5 Law. This would allow to go to the bonding as opposed to Pay-As-You-Go. It costs more money, but --

CHAIRMAN GULDI:  
Serial bonding, not bond anticipation notes though?

CHAIRMAN GULDI:  
Well, this may be another BAN issue.

LEG. CARACCILOLO:  
Yeah. That's what I was going to raise.

MR. SABATINO:  
Most the BAN's are going to kick up in the context of the conversion of Pay-As-You-Go, because now we're doing --

LEG. CARACCILOLO:  
What's BRO's recommendation, Jim?

LEG. FISHER:

This is four percent, Jim?

MR. SPERO:

If you use a BAN again, you can save money on your interest costs because of the --

LEG. CARACCILOLO:

Would you recommend us going with the BAN?

MR. SPERO:

Sure. Why not save money.

LEG. CARACCILOLO:

Motion to table to correct the --

CHAIRMAN GULDI:

Wait. Before we do that, let him talk.

MR. KNAPPE:

I've got some information.

CHAIRMAN GULDI:

Use the microphone.

MR. KNAPPE:

I just got off the phone with the Comptroller's Office, the Municipal Finance Administrator that we have. As long as they have the authority for serial bonds, it gives them the authority to also carve

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out any five years or less types of bonds and go right to BAN's. They just did that at the last sale and they are proceeding to do that in the future when it is cost effective to do so. So it does not need to be stipulated.

CHAIRMAN GULDI:

Under what authority is he relying on?

MR. KNAPPE:

As long as they have the authority to do serial bonds, they are allowed to go lower and do bond anticipation notes.

CHAIRMAN GULDI:

Under whose, under what provision of law, regulation or --

MR. KNAPPE:

I would defer that to Counsel, if he's aware of any local finance law.

But once they have the authority to do serial bonds, they are allowed to go bonding with bond anticipation notes.

MR. SABATINO:

That's news to me, because I've seen reference to BAN's in resolutions in the past when we've done them on engineering. I mean if they've got bond Counsel saying that you can have a resolution that says serial bonds, give that to the public investment community and then issue a BAN. If bond Counsel will sign off, it's his responsibility, but it makes no sense to me and it's contrary to my own experience, but I'm not challenging you, it just doesn't sound right.

MR. KNAPPE:

No, I understand that. I do understand that they just went through that process at the last proceeds sale.

CHAIRMAN GULDI:

Fine. Could you get the opinion letters that facilitated that last proceeds sale and provide it to me as Chair so that we can resolve it as to whether or not -- just to do our due diligence, okay?

MR. KNAPPE:

I certainly will.

LEG. FISHER:

I have a question about that, Mr. Chair. If they did then -- if they do then opt to do BAN's rather than bonding, is there any way that we would be informed as to which procedure or what funding source they're using, what funding?

MR. KNAPPE:

Everything is documented after the sale and it's in the County's financials in the Comptroller's Office, and whoever in Budget Review's staff reviews debt services are aware of it at that time as well.

MR. SPERO:

We receive copies of all the projects that are going to be put out for sale, so we would know based on the review of those documents whether a BAN or bond was being issued.

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LEG. FISHER:

Okay.

CHAIRMAN GULDI:

The authorization or the opinion letters from that last transaction, I would like you to route duplicate copies of it to Counsel and to the Budget Review Office simultaneously with the copy you send me.

MR. KNAPPE:

Whatever information I get from Audit & Control I will pass along to those three parties.

CHAIRMAN GULDI:

Okay. Thank you.

LEG. FISHER:

You'll share copies with the members?

CHAIRMAN GULDI:

I'll share copies with the members as soon as we look at it and understand what we're looking at. 1394, all in favor? Opposed? Approved. 1394, Mike Caracciolo wants to make a motion to table.

LEG. CARACCILOLO:

Table.

CHAIRMAN GULDI:

Is there a second on the tabling motion?

LEG. FISHER:

Can I ask why you're making the motion to table?

LEG. CARACCILOLO:

Until we get this opinion letter to make it clear why we're doing what we're doing, I'm reluctant to do it.

LEG. CRECCA:

Motion to discharge without recommendation.

CHAIRMAN GULDI:

Motion to discharge without recommendation, I'll second the discharge without recommendation.

LEG. FISHER:

Okay.

CHAIRMAN GULDI:

Which gives you a Tuesday deadline. Okay?

MR. KNAPPE:

That's what I wanted to go on the record, I'll try to communicate with everybody.

CHAIRMAN GULDI:

All those in favor? Opposed? Discharged without recommendation.

(VOTE: 6-1-0-0) (ABSENT: HALEY) DISCHARGED WITHOUT RECOMMENDATION

CHAIRMAN GULDI:

1407. This was previously done.

## SENSE RESOLUTIONS

SENSE 33-2003. Memorializing resolution requesting State of New York to implement 211 program. (Postal)

CHAIRMAN GULDI:

The Sense Resolution 33.

LEG. CARACCILOLO:

Explanation.

CHAIRMAN GULDI:

Memorializing resolution requesting the State of New York to implement 211 program.

MR. SABATINO:

The 211 Program has been established by the Federal Communications Commission and the New York State Public Service Commission has issued a February 2002 order implementing it. Basically with 211 you'll be able to dial in and get access to information, they call it community information and referral services. But in order to get this thing started up, the State's going to go with three pilot programs, but they need to fund those three pilot programs in order to make it work.

LEG. CARACCILOLO:

Motion.

MR. SABATINO:

This is requesting the funding.

CHAIRMAN GULDI:

Motion by Legislator Caracciolo, second by myself. Discussion? All those in favor? Opposed? Approved.

(VOTE: 6-1-0-0) (ABSENT: HALEY) APPROVED

SENSE 34-2003. Memorializing resolution requesting State of New York to authorize a public health and human services safety transfer tax for Suffolk County. (Postal)

CHAIRMAN GULDI:

Sense 34.

MR. SABATINO:

This is a request to the State to put a ten dollar per thousand dollars of value of real estate being transferred. The proceeds that would be generated by the beginning January of 2004 would then be allocated by the County at seventy-five percent for the police



district and twenty-five percent for the exclusive purpose of funding help to Human Services programs.

LEG. CRECCA:

This would be in addition to the current transfer tax?

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CHAIRMAN GULDI:

And in addition to the East End transfer tax?

MR. SABATINO:

This is County-wide, this is County-wide.

CHAIRMAN GULDI:

Is there a motion?

LEG. CARACCILOLO:

Motion to table.

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by Legislator Crecca.

Discussion? All those in favor? Opposed? Tabled.

(VOTE: 6-1-0-0) (ABSENT: HALEY) TABLED

#### TABLED HOME RULE MESSAGES

HOME RULE MESSAGE 2-2003. Home Rule Message requesting New York State Legislature to authorize the County of Suffolk to convey certain parklands to Jopal Enterprises, LLC, in exchange for conveyance of certain lands to be dedicated as parklands. (Postal)

CHAIRMAN GULDI:

Home Rule Message 2. I have the sponsor's request to do a tabling motion. Tabled by myself. Second by? Is there a second?

LEG. CARACCILOLO:

On the motion.

LEG. CRECCA:

I'll second.

CHAIRMAN GULDI:

Seconded by Legislator Crecca. On the motion.

LEG. CARACCILOLO:

Counsel, you sent out a memo subsequent to the last Committee --

MR. SABATINO:

Yes. I just want to clarify, I apologize, it was a confusing day. I just want to make it clear we have enabling State legislation which they're requesting here. You can do it in a two-step process, which would be a Home Rule Message and then enabling State legislation. You don't need the third step, I was wrong and I wanted to correct that.

LEG. CARACCILO:

So just those two actions would permit the alienation of the parkland?

MR. SABATINO:

It would provide the authorization and then when it came back at this level you would decide whether or not you wanted to actually transfer it,

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but I was wrong to say there was a third step and I apologize.

MS. COSTIGAN:

I can advise the Committee on this. We still don't know the identity of these parcels, we haven't met with Jopal yet. There's no money in here for appraisals, there's still a lot of problems with this.

CHAIRMAN GULDI:

Which is why the sponsor requested it to be tabled. All those in favor? Opposed? Tabled. (VOTE: 6-1-0-0) (ABSENT: HALEY) TABLED

CHAIRMAN GULDI:

Anybody want to stay here for a couple of more hours, re-read the agenda?

LEG. CRECCA:

Motion to adjourn immediately.

CHAIRMAN GULDI:

We stand adjourned.

(THE MEETING WAS ADJOURNED AT 12:25 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY

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